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NATIONAL MARITIME RIGHTS AND RESPONSIBILITIES IN TIME OF WAR.

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I.—AN AMERICAN VIEW.

THE Editor of the REVIEW has requested me to define, within narrow limits, national maritime rights and responsibilities in time of war, with special reference to the principles recognized and the practice followed in that regard by the Government of the United States. To that subject-matter the war now in progress between Russia and Japan has imparted a renewed interest, not simply because of the present importance of the principles underlying such rights and responsibilities, but because the statesmen and publicists of the world are looking forward eagerly to a Conference to be held in the near future, in which they are sure to be made the subject of a searching reexamination. The Hague Conference of 1889, among its pious wishes, recorded in its Final Act the following: "The Conference desires that the question of the rights and duties of neutrals may be entered on the programme of a Conference to be held at an early date." It is quite certain from the circular of invitation issued October 21st, 1904, by the late Mr. Hay,—loved and lamented by all of his

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countrymen, regardless of section or party,—that the main business of the next Conference thus suggested by President Roosevelt will be to deal with the rights and duties of neutrals, in view of the statement that "other phases of the general subject were left [by the Hague Conference] to discussion by another Conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns and villages by a naval force."

It is to be hoped that the time is near at hand when success shall crown at last the long and persistent effort of certain states to exempt all private property, not contraband, from capture at sea. While evidence of preceding attempts in the same direction are to be found, the most definite early enunciation of the principle occurs in the American-Prussian treaty of 1785, in which Frederick II and Franklin attempted to establish for their respective countries a rule which has not been generally observed even in subsequent treaties between such countries. In 1823, Secretary-of-State Adams tried to induce England, France and Russia to adopt it; and, in 1856, Mr. Marcy urged the Powers to incorporate it in the Declaration of Paris along with the abolition of privateering. When, in 1859, the Bremen Chamber of Commerce declared that the exemption in question is demanded by the legal conscience of the age, it gave expression to the spirit in which the freedom of commerce should be advocated, a spirit firmly upheld by the United States in its consistent efforts to give permanent and final effect to Franklin's initiative. As it is now even beyond the power of the fleets of Great Britain to guard her world-wide commerce, Hall, one of her greatest publicists, has thus contended:

"I endeavored to show that there are strong reasons for doubting whether England is prudent in adhering to the existing rule of law with respect to the capture of private property at sea. The reasons which were then urged have grown stronger with each succeeding year, and the dangers to which the practice would expose the country are at length fully recognized. That there is not a proportionately active wish for the adoption of a different rule is, perhaps, to be attributed to a doubt as to what the action of foreign Powers would be under the temptation of a war with England."

If in the coming Conference such "foreign Powers" would only give to England a formal assurance upon this all-important

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subject, she should no longer hesitate to give her adhesion, which would remove the last obstacle to a great consummation.

During the present war, there has been no notable disregard of those restrictions upon the free action of a neutral state whereby it is bound not to supply armed forces to a belligerent, not to grant passage to such forces, and not to sell him ships or munitions of war, even when the sale takes place in the ordinary course of getting rid of superfluous or obsolete material. It seems to be true that the Congress of Chile refused to accept a very high price offered for six war-ships, when it appeared that they were intended for either Russia or Japan; and there is no reason to suppose that Germany would have permitted the Russian fleet to pass through the Kiel Canal if such a thing had been attempted. Even belligerent war-ships may have free passage, of course, through the Suez Canal under the special guarantee contained in the Convention of 1888. A question has, however, been raised by the sale of certain German liners to Russia, by reason of the fact that, after rechristening them, Russia commissioned them as armed cruisers. The objection rests upon the assumption that such vessels were, because of certain subsidies, practically a part of the German navy. The aid given the crew of the "Variag," when that vessel was destroyed last year in the harbor of Chemulpo, has revived discussion as to the supposed neutral duty not to rescue drowning crews of a belligerent war-ship. It may still be claimed that the crew are not bound to sink with the ship. Lord Russell promptly rejected Mr. Seward's contention that it was the right of the "Kearsarge" to claim the advantage that would have resulted from the lawful destruction of the crew of the "Alabama." And yet the Conference might well consider a rule providing that the government to which the rescuers belong shall take care that their charitable interference does not enable the rescued to render further service in the war.

It is the duty of a neutral state not only to prevent hostilities in neutral territory, but to prevent the use of such territory as a base for certain unlawful operations. The non-fulfilment of the first duty was the ground of complaint in the long controversy between Portugal and the United States with reference to the "General Armstrong," an American privateer, attacked, during the war of 1812, while at anchor in the Portuguese harbor of Fayal, by a British squadron. When the demand of the United

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States, based upon the assumption that the Portuguese governor had failed to discharge his duty as a neutral, was finally submitted to the arbitration of Louis Napoleon, then President of the French Republic, his award refused indemnification, because the privateer, instead of demanding protection from the Portuguese authorities, elected to resist by battle the unjust British assault. He held that the privateer should have applied "from the beginning for the intervention of the neutral sovereign." But suppose that the neutral sovereign is either unable or unwilling so to demean itself as to be entitled to have its neutrality thus respected, as was the case when the "Variag" and "Korietz" were attacked in the Korean waters at Chemulpo, and as seems to have been, to some extent, the case when the "Reshitelni" was forcibly abducted from the Chinese harbor of Chifu. An international rule might well be laid down to govern belligerents in such a contingency. The invention of wireless telegraphy has presented the question whether a neutral state is not bound to prevent the use of its territory by belligerents for the reception and transmission of messages by that means. In obedience to the principle manifestly governing in such a case, China seems to have destroyed the electrical instalment placed by the Russians in the neighborhood of Chifu, for the maintenance of communications between Port Arthur and the outer world. The duty of a neutral state to forbid the use of its territory as a base for hostile operations prevents, of course, all enlistments; there must be no levying of soldiers in neutral territory. While it is not to be understood that a neutral state is obliged to exercise such care as to prevent a man here and there from crossing its frontier to take service with a belligerent, it must take such precautions as to prevent anything like the migration in considerable bodies, or in a continuous stream, of neutral citizens to swell the ranks of either combatant. A neutral state cannot permit its territory to be used as a basis of operations, in the technical sense, from which a force, military or naval, "draws its resources and reinforcements, from which it sets forth as an offensive expedition, and in which it finds refuge at need." The greatest difficulty arises when warlike expeditions are organized outside of neutral territory from elements issuing separately from it. The great unsettled question which the Geneva tribunal has left for future solution is that involving the duty of a neutral state to vindicate

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its neutrality by preventing the departure from its jurisdiction of the elements out of whose combination, outside of its limits, an hostile expedition may be formed. When do well-grounded suspicions amount to reasonable ground for action, and circumstantial details constitute legal proof? No more satisfactory answer has so far been made than that of Dana, who says that "the intent covers all cases and furnishes the test. It must be immaterial where the combination is to take place, whether here or elsewhere, if the acts done in our territory—whether acts of building, fitting, arming or of furnishing materials for these acts—be done as a part of a plan by which a vessel is to be sent out with intent that she shall be employed to cruise." It does not seem to be contended that neutral duty is violated simply by exports to a belligerent of boilers, or other essential portions of war-ships, as such exports to Russia from Germany and Great Britain, on a large scale, have recently passed unchallenged.

While it is well settled that troops, which for any reason pass into neutral territory, must be disarmed and "interned" by the neutral Power until the conclusion of peace, war-ships are permitted to enter neutral harbors and to put to sea again. And yet certain limitations are put upon this privilege to prevent the use of neutral waters as a belligerent base. When acting as Secretary of State, Mr. Taft recently held in the case of three Russian war-ships, which had sought shelter in an American insular port, that vessels wounded in battle cannot, in a neutral port, repair battle-damage. As to the length of time during which a belligerent war-ship may remain, Great Britain, the United States and many other Powers insist upon the departure of the ship within twenty-four hours. If the stay is prolonged beyond the prescribed limit, the ship must be disarmed, and its crew interned, as in the case of the "Manjur," and afterwards of the "Askold" and "Grosovoi," at Shanghai. A kindred rule of slow growth, now very generally enforced, prohibits the departure of a belligerent ship of war till twenty-four hours shall have elapsed since the departure from the same neutral port of any vessel belonging to the other belligerent. Although a belligerent vessel may make necessary repairs while in a neutral port, not including battle-damage, the question remains: May she also replenish her stock of coal? When the question was first raised, during the first year of our Civil War, the Duke of Newcastle

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instructed colonial governors that, "with respect to the supplying in British jurisdiction of articles *ancipitis usus* (such, for instance, as coal), there is no ground for any interference whatever on the part of colonial authorities." Since then, Great Britain has made it a matter of deliberate policy to increase the stringency of such restriction. As early as 1862, Lord John Russell directed that the war-ships of either belligerent should be supplied with "so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination." Identical language was employed by Great Britain in 1870, 1885, and 1898; but in the British Instructions of February 10th, 1904, the last phrase was strengthened so as to run: "or to some nearer *named neutral* destination." That last qualification has not, so far, been adopted by the government of the United States. The Egyptian proclamation of February 12th, 1904, superadds the requirement of a written declaration by the belligerent commander as to the destination of his ship and the quantity of coal remaining on board.

Out of the conflict between two otherwise irreconcilable rights,—the right of the belligerent to carry on his war and the right of the neutral to pursue his ordinary trade,—has grown a compromise which compels neutral states to acquiesce, without complaint, in certain acts of interference with the trade of their subjects on the part of either belligerent. Under the terms of that compromise, neutral trade, when war exists, must submit to abnormal conditions that increase the hazard of navigation, to visit and search, to causes of detention incident to blockade, claim of contraband and enemy service, and to the inconveniences incident to subsequent procedure, the prize-court and its penalties. The right of navigation is, in time of war, subordinate to the right of belligerent fleets to attack one another in any but neutral waters, with far-reaching missiles, within range of which neutral vessels approach at their own proper risk. Under the reasonable view of Thomas Erskine Holland:

"A neutral state is also, beyond question, at the present day, affected with constructive notice that if he traverses the territorial waters of a belligerent (which may be taken to extend three miles seaward from low-water mark), he may find them infested by mines, placed there by one or other belligerent, for purposes of attack or defence, and will be without redress should he suffer in consequence. It is, on the other hand, equally certain that, beyond the three-mile limit, a belligerent

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has no right to resort to secret means of destruction, which are as likely to prove fatal to neutrals as to his enemy. So much seems to have been admitted on all hands, with reference to neutral losses which might have been occasioned by the mines met with in the high seas during the siege of Port Arthur. The only doubt was whether, as a matter of fact, those mines had drifted from Russian territorial waters, or had been deliberately placed by the Russians beyond the three-mile limit. . . . Within the last week or so, several British shipowners, in expectation of the meeting of the Russian and Japanese fleets, have effected a novel insurance against 'all risks of floating mines, and all damage by fire from naval engagements.'"

While the right of visit and search may be exercised in any waters other than territorial waters of a neutral state, its use has of late years been censured as a needless interference with trade, when applied at a great distance from the scene of hostilities. Thus, during the Boer War, Great Britain undertook not to visit German ships at Aden, or at any place not more distant than Aden from Delagoa Bay. Although under article I of the Declaration of Paris that right cannot be exercised by privateers, it can hardly be maintained that the employment of "Volunteer" fleets, or specially subsidized liners, under naval officers, is prohibited by that article. It is not yet settled whether a commission of war may be properly granted, in time of war, to a ship already at sea under the merchant flag.

As a belligerent is entitled to specify the articles which he intends to treat as contraband, provided that, in so doing, he does not exceed the license granted by international law, the list must vary from time to time. The tendency now is towards a reasonable compromise between the Continental school, which restricts the list of contraband to little more than arms and munitions of war, and the British, which supplements the list of articles "absolutely" contraband with another comprising articles which, according to circumstances, may become "conditionally" contraband. While the distinction between the two has been definitely recognized by the notifications issued by Japan, the Russians, ignoring the existence of merely "conditional" contraband, have treated as confiscable in every case not only coal, but also provisions, and even raw cotton, in favor of which there is still stronger presumption of innocence. From that extreme position Russia has, however, since so far receded as to agree that provisions, at any rate, will henceforth be regarded as only condition-

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ally contraband, according to the use to which they are to be applied. During the present war, the question has been reopened as to the right of a belligerent to destroy, under any circumstances, a neutral ship carrying contraband. When such a question was presented by the sinking of the British ship "Knight Commander," in July, 1904, in accordance with the Russian instructions, and was approved of by the prize-court at Vladivostok, there was an outcry in both Houses of Parliament, where the incident was characterized as an "outrage," "a serious breach of international law." That extreme position has not, however, been supported by Mr. Holland, who has said:

"While it is, on principle, most undesirable that neutral property should be exposed to destruction without inquiry, cases may occasionally occur in which a belligerent could hardly be expected to permit the escape of such property, though he is unable to send it in for adjudication. The contrary opinion is, I venture to think, largely derived from a reliance upon detached paragraphs in one of Lord Stowell's judgments on the subject, judgments which, taken together, show little more than that, in his view, no plea of national interest will bar the claim of a neutral owner to be fully compensated for the value of his property, when it has been destroyed without judicial proof of its noxious character."

The Government of the United States admits the right of a belligerent to destroy a neutral ship carrying contraband, under certain exceptional circumstances; and that view will, no doubt, be shared by other states not so fortunate as Great Britain in the possession of a widely extended system of coaling stations.

HANNIS TAYLOR.

II.—A BRITISH VIEW.

IT is impossible to understand British views on international law unless we keep ever before us the fact that naval supremacy is the great object of all British policy. In 1904, Britain's naval expenditure, according to a Parliamentary Return, was over $25,000,000 greater than that of France, Germany and Russia combined. Success is assumed as an axiom; and any law tending to limit the power of the strong navy as opposed to the weak one would be regarded as an abridgment of British sea-power. It is true that a war with a European Power may result in stalemate, but she can console herself with her security on the sea where her

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interests lie, the obvious embarrassments of her opponent's position, and with the philosophical maxim that "he that endureth to the end shall be saved." When, in addition, we reflect that Great Britain possesses in her Empire the extensive coast-line of 42,900 miles, with a unique series of coaling-stations along every trade route in the world, we see at once that she has not nearly the same need as her rivals to secure during war any benevolent neutral assistance.

This is the complete explanation of the British and Egyptian declarations that, when coal is granted to a belligerent, to take her vessels to the nearest neutral or national port, it should be clearly understood that the coal is for purposes of navigation only, and that, if the understanding should be violated, no more supplies would be granted—a safeguard which would in the past have brought an early end to the "Alabama." Hence, also, the refusal to supply any coal whatever to the Baltic fleet, since the belligerent purpose of a voyage away from the national ports was well understood. A pledge ought to be exacted, when neutral coal is granted, that neutral shipping will not be interfered with. As was the case in the American Civil War, Great Britain further refused to allow any prizes or prize cargoes to be brought into her ports. Unfortunately, the Convention of 1888 permits prizes to be treated on the same terms as belligerent vessels in the Suez Canal. It is, of course, impossible for Great Britain to expect that her views will coincide with those of the European Powers. Thus, in the case of the "Calchas" the Russian Appeal Court confiscated the timber, because it was suitable for warlike purposes, and the cotton, although clearly proved to be for spinning. The flour cargo was, however, released. Great Britain can hope, nevertheless, that her views will be agreeable to the United States, for the two countries have cooperated already in regard to contraband of war with special reference to food and cotton. As for the smaller Powers, Great Britain is sure to impose certain views on such as are too weak to defend their neutrality, and to press them on other nations where a more insistent attitude might be inexpedient. In a war with Germany, for instance, the moment the stage of blockade is reached, the position of Holland will claim the earnest attention of the British Government, for the Dutch will be fostering a large trade with Germany which did not exist during peace.

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We can see clearly enough in these problems the ideals of Great Britain's diplomacy. As a belligerent, she desires to put an end to all direct neutral assistance to war-ships. She possesses, however, so vast a trade and transport system that her interests in the vexed question of contraband are of more importance to her as a neutral than as a belligerent. On the one hand, the Navy by its preponderating strength does seem to insure to her the probability of many years of peace or the occupations of a neutral Power. For over ninety years she has possessed, to all intents and purposes, complete security at sea. For over a century she might theoretically have waived the whole list of contraband, and yet completely safeguarded her position through the unrestrained local rights of interference with all commerce conferred by effective blockades. There is no magnanimity in this course, for it is quite clear that the contrary one of dispersing ships, whether for the attack of ports or vessels, weakens the concentration which is essential to the speedy conclusion of a war. Thus, incidentally, it may be stated that no great maritime Power has any interest in prohibiting the bombardment of towns on the coast; for, from her point of view, if her opponents are willing to swallow the bait and so bind themselves, like Persano at Lissa, to destruction so much the better.

The limitations of sailing-vessels and vision involved many difficulties which are not felt with steamers and wireless telegraphy, so that blockade formerly had nothing like the potency or range it has now acquired. The war-vessel, as compared with the trading-ship, has made a great gain in speed; and, the moment the architect endeavors to level matters, space and displacement are absorbed by engines and coal, and the vessel ceases to be a cargo-carrier. However, until the moment arrives for blockade, I doubt if Great Britain has any vital interest in preventing supplies being conveyed to her foes. In any case, she has considerable reasons for extending the period of grace for merchant vessels after the declaration of war, as was done by the United States in the war with Spain. A special exception would have to be made in the case of enemy's vessels suitable for war purposes as mercantile cruisers. A good example is not enough, for neither Russia nor Japan has followed the United States in the present war. There is no reason under International Law at present why British vessels on the sea, or in her opponent's ports when war

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breaks out, should obtain any days of grace whatever. The contention might be advanced that every vessel is suitable for a collier, transport or some form of auxiliary for war purposes.

Returning to the consideration of the period between the outbreak of war and a resort to commercial blockade, it is noticeable that Nelson went so far, in the House of Lords, in 1801, as to declare that it was consonant with British interests to equip the French fleets for sea so that the British admirals might end the business. We have now learned from the present war that a contraband list, extending beyond such obvious items as weapons and munitions of war, presses with extraordinary severity on Great Britain herself. Apart from her direct trade, she does so great a trade with, say, thirty neutrals that their interests must be her interests and must come before those of two petty belligerents. Yet the trend of policy hitherto pursued would appear to indicate a contrary opinion. Up to the time of the publication of the Russian lists, with their inclusion of raw cotton as unconditional contraband and the attempted prohibition of provisions, the British list of contraband was the most illiberal in the world. The result of the Russian pretensions might easily have been the cessation of the greater part of British commerce with Japan, for a ship-owner found that heavier premiums were charged on all the cargo for the Far East if any portion of it happened to be destined for Japan. The special circumstances of the war, as a railway war in which Japanese railways were practically transplanted to Korea and Manchuria, I think, justify Russia in treating railway material as contraband of war; but the most flagrant case of contraband could never have justified the sinking of a neutral vessel, as was done in the case of the "Knight Commander" for carrying railway material. The "Alabama" only sank enemy's vessels, being quite unable to take them into her own ports, and, even so, it is impossible to understand the action of Great Britain in coaling a vessel which acted thus. The only circumstance under which a neutral can be sunk is when, after hoisting the colors, signalling her to stop, firing a blank charge and then a shot across her bows, she still persists in evading search. If searched, her papers, such as the ship's log, official log, bill of lading, copies of charter party, certificates of clearance at different ports, chart, and the nationality of the crew have to be examined. If suspicious, then the cargo may be examined, and if necessary

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the vessel can be taken before a prize-court. It would be monstrous to facilitate the desire of a commerce-destroyer, fleeing from other war-vessels, unduly to hasten this long process.

The British list recognizes two classes of contraband, viz., absolutely contraband and conditionally contraband. The list of absolutely contraband goods includes all weapons of war, ammunition, the machinery for making arms and the materials forming the ingredients of explosives; all forms of military equipment, stores, clothing and everything that can be of the slightest use in building a vessel. The conditionally contraband list includes articles which may also be presumed to be intended for purposes of war. This list includes such a varied assortment as provisions and liquors fit for the consumption of the army and navy, money, all forms of telegraph and railway materials, coal, horses, hay, tallow, timber, etc. At present, contraband lists are merely indicative of past policy, as is amusingly illustrated by the absolutely contraband articles in the British list, including some which suggest that naval war is still fought under masts and sails. A revised list would probably approximate closely to that issued by Japan at the beginning of the war. Past lists do not prevent such violent fluctuations of policy as was illustrated by Russia when she changed from one extreme to the other in reference to coal, the original view having been given in the West-African Conference of 1884 that she would "categorically refuse her consent" under any circumstance to allow coal to be regarded as contraband of war. The British example has exerted an evil influence, and France, in 1885, made rice contraband because of "its importance in feeding the Chinese population." It was clear from this case, long before the present war, that a nation effects its purpose, in spite of protests, if shipments are arrested by fear of capture, without any tangible case arising for a demand on the part of an outraged neutral for compensation. There is a great danger to the cotton, corn and meat trades of the United States and Great Britain in any failure to secure general agreement on these points. I do not say the danger is a real one, but it arises from the nervousness of business men.

The great jurist Sir Henry Maine always insisted that Great Britain had every interest in exempting all private property from capture at sea. He held that the American proposal to this effect might well have been made "by some very strong friend

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of Great Britain." If this rule could be applied, and all Powers could agree to municipal regulations to prevent the export of the weapons and munitions of war to belligerents, as was actually done by some of them during the Crimean War, then the gain would be immense. The successful belligerent would still possess the ability to attack commerce by blockade. Such a rule, of course, favors the successful belligerent; but, if any are disposed to cavil, they may well be asked if International Law is not based on expediency, and is it not expedient that the winning side should be unhampered in its efforts to end the war? The rule will accordingly be rejected if, on the other hand, we accept John Stuart Mill's view that "the basis of international law is that the smallest and least powerful nation, in its capacity of a nation, is the equal of the strongest." If accepted, however, I think it is further expedient that the old idea of blockade should be introduced of allowing the seizure of an enemy's goods wherever found, always provided that the blockade of the national ports is effective. If this plan were carried out, all commerce would be unhampered up to the issue of orders for a blockade.

The present system of contraband places a premium on vexatious and spasmodic interference with commerce, which could only be justified if it were shown that, as a general rule, it seriously affected the issue of a war. So many difficult questions with neutrals are raised that it appears to be positively detrimental to the belligerent endeavoring to interpret it. For months, British ship-owners and exporters hammered at the door of the Foreign Office to ascertain what they might or might not do, and they obtained no answer. In March, 1904, they were informed that the Russian prize law was that "neutral ships captured while engaged in flagrant act of contraband can, according to circumstances, be seized and even confiscated." Who would have suspected after this that neutral ships would be sunk when even the question of the nature of their cargoes was a matter of complete uncertainty? The law of prize, as always understood, is that there is no property on the part of the captor in the prize until the matter has been decided by a prize-court. Possessing, as she does, numerous well-distributed ports at which prize-courts can be established, and having a fixed policy which counts with certainty on secure sea-communications, Great Britain can have no possible interest in enabling less fortunate nations to free

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themselves from these difficulties by sinking their prizes. The orders of the British Government are very positive that, if a prize cannot be carried into port, she is to be released.

Again, since British and other prize-courts have always held that a vessel has purged her offence when she has successfully evaded search and deposited her contraband, few anticipated that, in the case of the "Allanton," Russia would have seized the vessel and used as a plea that she had carried contraband on a previous voyage.

The alternative principle of all or nothing, submitted by the United States, has now many more supporters. Let all enemy's property be liable to seizure, or let all private property be exempt, except from the operations of blockade. Then there will be but little ambiguity to quarrel over. For the sake of her normal position of neutral, and in opposition to many distinguished British naval officers, I maintain that it is to the benefit of her own naval operations that Great Britain should support the American proposal. As I have said, weapons and munitions of war can be placed under municipal law, so that it will be a violation of neutrality to export them to either belligerent.

Let me add one word more of warning. The present war on the whole has been localized. It is no measure of the interference with commerce which may take place in a world-wide war. Though in a small way it has raised the question of the mails, it has not touched the question of searching steamers which carry goods or mails, and which are yet regarded by the national owners as Government ships. The question, though unsettled, is not a new one, for years ago the French Government claimed exemption for the mail-boats commanded as they were by naval officers. We must not therefore imagine, as some do, that this war has raised all questions in their most acute form. It has, however, raised one new question, for we now realize the necessity of regulations affecting wireless telegraphy.

Two other points have come into considerable prominence as the result of the war. They are the laying of mines and the definition of territorial limits. It is generally agreed, but has never been clearly laid down, that mines should not be laid outside territorial limits. Regulations are also needed as to the mooring of these mines, to prevent them drifting and becoming a danger to navigation. As for territorial waters, it has never been

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settled how far they extend. Most Powers agree upon a three-mile limit, which was the original limit of the range of the gun. We have now guns which have an effective range of ten miles or more; and, on more than one occasion, the Japanese fleet was in imminent danger of being hit from the Port Arthur forts at eight miles. In order to reduce the asylum facilities afforded by neutrals to belligerents, it is certain that Great Britain would not be averse to increasing the extent of territorial waters to four or five miles, if suitable restrictions are placed on the laying of mines with due regard to the depth of water. The lead for sounding would then confer safety, up to a certain point, on neutrals.

Since all the initial stages of a British war are on the sea, on which it is an axiom of Great Britain's policy to be completely prepared, that Power can have no interest in the doctrine that hostilities should be preceded by a formal declaration of war. We know that, in the majority of cases, hostilities are commenced by what is euphemistically termed "the first blow," and that all the great Powers must plead guilty to this practice. The British policy, on the outbreak of a crisis, is to resort to shadowing the prospective foe. This is effected by the distribution of ships so as to bring all the enemy's war-ships, or vessels capable of being armed, under the unwelcome observation of an equal or stronger force. This enables a great naval Power to bring about decisive issues at the earliest moment, and it is far the most efficient protection she can devise. Shadowing gives the prey into her hands, whereas its abolition would leave the bird in the bush. While the process is extremely irritating to others, it cannot be doubted that it is indispensable to Great Britain, and that she regards it as of importance to the preservation of peace by demonstrating the efficiency of her preparations. If, therefore, the question of shadowing should be raised at an international conference, she will maintain her rights on this point as tenaciously as she formerly held to the right of search, which still exists. The ground taken will probably be that a nation has as much right to shadow the ships of another as a military nation has to place troops on the frontiers. To have listened to the protests of Russia in this matter, when the latter was preparing to seize Port Arthur, is now generally recognized in Great Britain to have been a mistake which will not be regarded as a binding precedent.

CARLYON BELLAIRS.

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III.—A FRENCH VIEW.

ALL States are agreed in recognizing certain general principles which regulate relations between belligerents and neutrals and determine, on the one hand, the rights and duties of neutral subjects on the high seas towards belligerents and, on the other hand, the rights and duties of neutral States towards belligerents in their territorial ports and waters. But beyond this point agreement ceases, and States differ very widely in their application and interpretation of these principles; moreover, the same State sometimes modifies, under the pressure of circumstances and of fresh interests, the rules which it had previously adopted.

It seems that the very conditions of maritime warfare make it impossible or, at any rate, extremely difficult to establish uniform international regulations on all the questions which are raised by neutrality. The aim of maritime warfare is, in fact, to force the enemy to surrender by depriving him of the use of the sea. Unless such warfare be merely the prelude or the accessory of warfare on land, war at sea must have as its object the disorganization of the enemy's national existence, by stopping or, at any rate, by hindering his sea communications. England, for instance, could not be reduced to submission by the destruction of the British fleets, if English commerce thereby suffered no losses, and if merchant vessels still remained free to furnish Great Britain with the provisions and raw materials necessary for her and her industries, and were still able to carry to the various markets of the world the products of English manufactories. In the same way that on land it is the military occupation of the country and not the mere dispersal of the vanquished army of the enemy which forces the foe, who is rendered unable to pursue his ordinary avocations, to sue for peace, so at sea—where military occupation is impracticable—the negative equivalent of occupation, that is to say, depriving the enemy of access to the sea, is the sole means of interrupting the free course of their national life and thus forcing them to surrender.

But, to be effective, the interdiction of the use of the sea should not only affect the shipping and cargoes of the enemy, but also the neutral shipping and cargoes coming from or proceeding to the enemy's shores. Belligerents have always been inclined either openly or secretly to adopt this extreme course. The Continental

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blockade and the English blockade at the time of the great struggle between Napoleon I and England, were only forms or expressions of this absolute interdiction. Neutrals, unless constrained by force, do not readily comply with such injunctions. Not being engaged in the war, they justly claim the right of carrying on their peaceful pursuits with belligerent States who remain at peace with them. And although these pursuits, whilst peaceful in their character, still procure to the belligerent with whom they are conducted, wealth and resources which indirectly help him to carry on the war, it is necessary—if you are to avoid disregarding the rights of neutrals—to limit those of belligerents.

The principle is generally admitted that neutrals may continue to carry on their trade with belligerents in spite of war, provided that such commerce is of a distinctly peaceful character. But differences arise as soon as the attempt is made to define what is neutral commerce, what are neutral shipping and cargoes, and on what conditions neutral commerce can lay a claim to be of a peaceful character.

French doctrines are particularly favorable to neutrals. They are so in every respect. They strictly limit the rights of belligerents with regard to neutral shipping on the high seas. They do not impose upon neutral States a rigorous interpretation of the duties of neutrality; they allow belligerents extensive rights as to the use of their ports and territorial waters.

At the time of the war which was waged against England in order to secure American independence, France admitted the principle that "a neutral flag covers an enemy's cargo, unless it be contraband of war." This principle was inscribed in the Paris Declaration of 1856 side by side with the rule laid down in the "*Consulat de la Mer*,"* which was always observed by England, but rejected by our Order in Council of 1778, to the effect that "neutral cargoes excepting contraband of war" may not be seized under an enemy's flag. As a signatory of the Paris Declaration, France thus respects all neutral property which is not contraband of war, and even the enemy's property if it be found on board a neutral ship, whose flag assures to all the cargo the same freedom and immunity which the ship herself enjoys.

* The "*Consulat de la Mer*" is a well-known summary of maritime customs, observed in the Middle Ages by the different States situated on the seaboard of the Mediterranean.

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The decision as to what constitutes an enemy or a neutral, especially with regard to shipping, is, consequently, of considerable importance. French, in contradistinction to English doctrines, put strict limitations upon what constitutes an enemy, and give a wide interpretation to the term "neutral." The only ships regarded as hostile are those of the enemy's nationality. This principle admits of only one exception, the object of which is to provide against fictitious sales contracted with a view of sheltering hostile shipping under a neutral flag during a war. To prevent any such fraud, we do not admit that an enemy's ship may in time of war lose her nationality by means of a transfer to neutral purchasers; the ship having been entitled to fly the belligerent flag is only neutral in so far as her transfer to neutrals shall have been affirmed by a legal document of an earlier date than the opening of hostilities. With this exception, every ship which has a right to a neutral flag is considered neutral. As to the cargo, all merchandise on board an enemy's vessel is presumably the enemy's, but this assumption may be disproved; it is sufficient if the owner of the cargo, whose rights are shown by the ship's papers, can prove that he belongs to a neutral nation. To sum up, the fact of her flying the enemy's flag—as far as the ship is concerned, and the fact that the owner of the merchandise belongs to a hostile nation—as far as the cargo is concerned, are the only pleas upon which the character of an enemy can be attributed, to the exclusion of all considerations as to the domicile of the ship-owners, shippers or consignees, of the country of origin of the cargo, etc.

Neutral commerce suffers from restrictions by blockade. Neutrals, whilst protesting with reason against a general interdiction of commerce with belligerents, which would lay upon them the burden of war without imposing any expenditure upon the States engaged in the contest, accept such interdiction if limited to the places off which, at great expense, fleets are lying in watch to intercept communications. But here again, the conditions and effects of a blockade are differently understood by different States. Here again French doctrines are very favorable to neutrals. All States admit that blockades are not binding on neutrals unless they be effective, that is to say, according to the definition of the Paris Declaration, "maintained by a force sufficient to actually bar access to the enemy's coast." France

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interprets very strictly, so far as the belligerents are concerned, this condition of effectiveness of a blockade; she thereby imposes upon herself the necessity of making a great display of force in order to assure the blockade and thus diminishes, to the advantage of neutrals, the extent of coast which her squadrons are capable of blockading. Further, she only considers a ship guilty of infringing the blockade, if she attempts to enter a blockaded port after having been notified of the blockade by a blockading vessel; thus her second attempt is the only dangerous one for a blockade-runner. Lastly, the ship which breaks or tries to break the blockade can only be seized and confiscated if caught in the very act, at the moment of crossing or trying to cross the line of blockade, or upon chase being given at that moment by a vessel of the blockading squadron. We do not recognize, as the English do, the right of seizing a neutral ship, wherever met, on the sole ground of her coming from or being bound for a blockaded port.

Belligerents have had to admit the right of neutrals to carry on their peaceful commerce even with nations which are at war, but have always denied their right to furnish the enemy with articles necessary for the contest, which are designated by the term "contraband of war."

What is the real meaning of "contraband of war"? On this point no agreement has been arrived at, or is probable in the near future. The interest of belligerents is to extend, that of neutrals to restrict, the definition of what is contraband of war. They both readily concur in allowing that such articles as can in no way be of service in war, as, for instance, precious stuffs or jewelry, are not contraband, and agree in attributing the term to such articles as can only be of service in war, such as arms and munitions. But a very great number of articles can be put to a warlike as well as to a peaceful use, and, whilst necessary in peace, may be indispensable in war. Such are, to cite only a few, horses, naval stores, maritime engines, coal, supplies which are habitually in use in the army or navy of the belligerents. It is to the interest and consequently is the tendency of neutrals to maintain that such articles belong to peaceful commerce, and that the fact that the use to which they are finally put is doubtful, is sufficient to warrant their being supplied to belligerents. The interest of belligerents, on the contrary, is to prevent neutrals from carrying to the enemy goods which, in spite of their doubt-

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ful character and of their utility for essentially peaceful purposes, may nevertheless be more necessary and consequently more valuable than arms or munitions of which the enemy might have an abundant home supply. Hence, belligerents claim the right to designate as contraband of war articles which may be used both in war and in peace, and the supply of which by neutrals becomes, through the circumstances of the case, specially advantageous to the enemy; neutrals, on the other hand, dispute this right and attempt to restrict the term "contraband" to articles which are solely applicable to warlike purposes.

French doctrines on the definition of contraband of war are very favorable to neutrals. The list of contraband articles is short and only comprises a very small number of articles which can be used for peaceful purposes. Coal was not on the list in either 1854, 1859 or 1870. The only articles designated as contraband by the Minister of Marine in 1870 were "firearms, side-arms, projectiles, powder, saltpetre, sulphur, articles of military outfit, camp gear and harness and all engines of war of whatsoever description." Nevertheless, in 1885, during the struggle with China, the French Government declared rice to be contraband of war, alleging that "besides articles which are contraband of war by their very nature, such as arms, munitions, etc., there are other articles, trade in which may be conditionally forbidden in war-time, on account of their exceptional utility to belligerents." The formula was a very wide one, and provoked the protests of England and Sweden. It was attenuated, and it was sought to justify the designation of contraband on the plea that the rice cargoes referred to represented the amount of tax due in kind by the Southern provinces to the Chinese Government, and were destined to be consumed by the imperial troops. Coal, money and all stores intended for the enemy's use in his military operations were equally considered contraband of war, as well as steam-engines or parts of steam-engines for war-ships, as well as vessels built for use in war. In addition to what is contraband by nature, the French Government thus includes another category of contraband goods, namely such as are conditionally contraband, in which category certain articles which may be used both in peace and in war can only be classed in so far as they are certainly, or almost certainly, destined for military operations.

All articles classed as contraband of war are liable to confisca-

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tion. When such articles form three-quarters of a ship's cargo, the ship herself with all her cargo is subject to the same penalty. This sanction is intelligible, although very severe, in so far as the ship is concerned; it is neither justifiable nor intelligible in so far as it deals with the harmless portion of the cargo.

It seems impossible to restrict the quality of contraband to such articles as are only of use for war, but it would be desirable that, with respect to such articles as may be used in peace as well as for war, the belligerent States should, in certain cases, substitute, as England has done, the right of preemption for that of confiscation. They would thus retain the advantage of depriving the enemy of the cargo which might be applied to warlike purposes, without inflicting on neutrals a somewhat unfair loss, in cases where the article classed as contraband might be considered as having a *bonâ fide* peaceful destination.

On the high seas, the responsibility of neutral States cannot be brought into question by the acts of their subjects. As a matter of fact, belligerents claim the right of supervising themselves the conduct of neutrals. They would not consider such supervision of neutrals by their own States sufficiently impartial, and consequently sufficiently effective. Neutral States, on the other hand, would experience some reluctance in impeding, for the belligerents' advantage, their own subjects' trade and in incurring responsibilities because of the inadequacy of their action.

In ports and territorial waters, on the contrary, belligerents could not claim the right of supervision without infringing the sovereignty of the State to which the coast belonged. On the other hand, belligerents might, thanks to extreme leniency, use neutral ports and territorial waters as a base for the preparation of hostile acts against the enemy. This neutral States should not permit. They have rights to exercise, but also corresponding obligations to fulfil, in their ports and territorial waters. In any case, there are no precise and universally accepted rules as to the exact standard of these rights and obligations. All recognized the right of neutral States to have their ports and territorial waters respected, their obligation of preventing these ports and waters becoming a base of operations or a source of military strength. But each State interprets, often in a very different way, the rights of its own sovereignty and especially the limits of leniency to be allowed to belligerent vessels of war.

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French, as compared with English, doctrines allow neutral States much greater liberty of action. They leave them the option of permitting or forbidding certain acts which the English are inclined to hold should be necessarily forbidden. The French custom imposes many less restrictions than the British.

Whilst any act of war is forbidden in territorial waters, free passage through them is allowed, even to belligerent war-ships, as in time of peace. The area of territorial waters is not absolutely fixed for all States by international law; France admits that this area is one of three sea miles from low-water mark. Sovereign jurisdiction is exercised more strictly in ports. They are not a part of the sea routes; they are only the points of departure and arrival, the necessary intermediaries between sea and land, and, occasionally, an indispensable refuge from the perils of the sea. The riparian State should, in principle, keep its ports open in time of peace. It should always allow access thereto to ships in distress. The neutral State is equally bound to give shelter to belligerent war-ships which are prevented by the state of the sea, the damages they have sustained or their want of provisions from pursuing their journey; it may, without being bound to do so, give them shelter in any other event. France throws her ports wide open to belligerent war-ships; she does not limit the length of their stay; she only limits it to twenty-four hours when they have entered the port with prizes taken from the enemy. War-ships which have sought refuge in a neutral port to escape the enemy's pursuit are free to stay or to leave. If the enemy wishes to reduce them to a state of impotence, it is for him to take the necessary measures to make it dangerous for them to leave.

Belligerent war-ships which have entered a French port may effect repairs there or take in stores necessary for navigation or for the subsistence of their crews; they may not, on the other hand, recruit combatants, or provide themselves with arms, munitions, or articles for use in action. Their stay in a neutral port may therefore allow them to leave it with fresh means of navigation, but not with any increase of fighting strength. Nevertheless, the enjoyment of facilities of taking in stores or coal might degenerate into an abuse. If a war-ship were free to return periodically to the same port in search of articles, which, whilst not instruments of warfare, were yet resources indispensable to

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carrying on her campaign, she would be turning this harbor into an actual base of operations. Continuous resort to the same place with the object of taking in stores, thanks to the resources of the place, is the characteristic of a base of operations, that is to say, of the "*point d'appui*" for renewing and multiplying the most varied enterprises against the enemy.

Still in certain cases, a neutral harbor or a station within neutral waters might happen to become not a base of operations, but *the* base of a deliberate operation of a hostile character. This would be the case where a ship or a squadron claimed the right to lie in wait, within the shelter of neutral waters, for the passage of a hostile force in order to attack it unexpectedly, at the limits of such neutral waters. French orders, issued in 1904 by the Minister of Marine, forbid any preparation of hostile acts or operations, even of an isolated nature, being made within French waters.

CHARLES DUPUIS.

IV.—A GERMAN VIEW.

THE initiative taken by President Roosevelt in inviting negotiations on important questions of naval law in a second Hague Conference is sure to be gladly welcomed by all those States which desire to see naval law develop as international law, and not merely as the right of the most powerful maritime state.

Only general rules can be drawn up indicating what it is incumbent on the belligerents and on the neutrals to do or not to do. These rules will have to conform to the principle that the speedy termination of a conflict is in the interests of both belligerents and neutrals.

I. Rights and Duties of Belligerents.—1. Territorial Waters. The three-mile line has been recognized in recent treaties and ordinances as the extreme limit of the territorial water.

In consequence of the prolonged stay of the Russian squadron under Admiral Rojestvensky in Indo-Chinese waters just beyond the three-mile line, an extension of the limit of territorial waters is in many quarters considered necessary. Such an extension, however, is in the interest neither of the belligerents nor of the neutrals; it would restrict both in their action and create

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obligations whose fulfilment would often be an impossibility and an occasion for conflicts. The occurrences during Rojestvensky's stay off the Anamite coast shows how difficult it is to carry out the rules of neutrality, in the presence of a great fleet, even with a three-mile strip. In districts without telegraphic communication and in cases where single, detached ships are concerned, the difficulties will be considerably augmented. The possibility of ships or squadrons belonging to the belligerents lying a long time outside the neutral zone and taking in supplies will be removed only by an extension which cannot even be discussed. For purposes of defence in the protection of the coast the three-mile strip is ample.

2. Military Instruments of War.—(a) Mines and Torpedoes. A further restriction of the instruments of war now admissible by international law is, for the immediate future, not necessary. It is another question whether the instruments should be employed everywhere. The safety of neutral shipping demands that on the high seas instruments of war which are a hidden danger to shipping shall be avoided. As long as this demand does not run counter to the belligerent's object—viz., to overcome his opponent quickly—it must be acceded to.

Mines, stationary and drifting, as well as torpedoes without sinking appliances, are, therefore, to be regarded as admissible only in the territorial waters of the belligerents and in the actual operation area of the fleets. There is, however, no justification for the demand that mines shall be used to close harbors only in the case of an effective blockade; the belligerents must be permitted to employ this measure against all harbors that the adversary will possibly use as a base for his operations, on condition that they notify the neutral governments in good time.

(b) Auxiliary War-ships. Concerning the hitherto undisputed right of belligerents to equip trading-steamers as auxiliary war-ships everywhere, except in territorial waters, England has, during the present war, endeavored to enforce her view that the belligerent can legally commission auxiliary war-ships only in his own harbors and not on the high seas. That the general acceptance of this principle would be very beneficial to English interests, but prejudicial to States with small colonial possessions, is very evident; but it does not accord with the principle of international law that the State has unlimited power and jurisdiction

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on the high seas over all vessels sailing under its flag. In the interests of all the demand is justified that an auxiliary war-vessel shall not change its character during the war.

3. The Right of Taking Prizes. The complete abolition of the right to seize private property was one of the wishes of The Hague Conference of 1899. The United States have striven for this object for nearly a hundred years. The right to take prizes is the most effective, and often the only possible, instrument of war when the opponent, after the destruction or investment of his forces, does not consent to make peace. To permit the exercise of this right only in the case of a blockade would be to concede special advantages to the stronger maritime Power and to the State with an extensive coast-line. On the other hand, the interests of all will be served if, on the conclusion of the war, compensation must be made for private property, with the exception of contraband of war, that has been seized.

4. The Right to Seize Contraband. The right to seize contraband, which is supplementary to the right to make prizes, originates in the justified desire of the belligerents that the effect of the latter shall not be completely nullified by neutral trade. It must, therefore, continue as long as that right exists, and be exercised under the same conditions as those under which that is exercised—viz., (*a*) during the continuance of the war, (*b*) on all seas with the exception of neutral territorial waters, (*c*) without indemnification. If the conception of absolute contraband of war is more closely defined, the neutrals may be satisfied.

The custom in vogue in England and America of making a distinction between "absolute" and "conditional" contraband of war, and of limiting the number of articles belonging to the former category to war material and to raw materials undoubtedly destined to produce war material, without extending it to coal, foodstuffs, etc., may be accepted as an international legal standard.

It is absolutely impossible to stipulate, on the basis of international law, what goods should be reckoned as conditional contraband. The belligerent must retain the right to treat as conditional contraband all goods which from their nature might serve both warlike and peaceable purposes, when they are consigned to an official authority or to an agent of the hostile Power, or when their destination is a hostile naval port or any other hostile

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port which serves as a base for the hostile forces. It must be left to the consignee to produce proof that the goods were really destined only for peaceable purposes.

As a mitigation of the right to seize contraband, the maritime States, with the exception of England, assure free passage to neutral trading-vessels sailing under neutral convoy, when the commander of the convoy declares that the trading-vessels under his protection contain no contraband. As this practice is in the interest of the neutrals, and is not opposed to the interest of the belligerents, it could well be sanctioned by international law.

Efforts have lately been made to further restrict the right to seize neutral mail-steamers, but difficulties will be encountered, as mail-steamers, like other vessels, may possibly carry contraband goods. An agreement may perhaps be arrived at on the lines that, (*a*) neutral mail-steamers are to be stopped and seized only in the neighborhood of the actual seat of war, and only when strong suspicion rests on them; (*b*) outside the actual seat of war the mails, including those of the belligerents, not to be touched. This exceptional treatment of the correspondence of the belligerents, which is in the interest of the neutrals, can have no essential disadvantage from a military point of view, as important intelligence will be transmitted by telegraph.

5. Destruction of Detained Vessels. According to the view generally held the belligerents have usually been accorded the right to sink the detained ships in cases of necessity. England alone makes an exception in favor of neutral vessels; they are to be released if they cannot be taken before a prize-court. To accept the English view as a rule of international law would be to still further add to the maritime power of England, as the belligerents can establish prize-courts only in their own harbors. The justified demands of the neutrals would be satisfied if (*a*) the right of destruction is restricted to cases where the ships carry unquestionable contraband, and cannot be taken to a port of adjudication owing to the condition of the ship or of the cargo, or because of danger of recapture; and (*b*) full compensation is made for ship and such cargo as is not absolute contraband.

6. Interruption of Cable and Wireless-Telegraphic Communications. The regulations issued by the United States during the war with Spain may serve as a model for an international legal settlement of this question. The belligerents must, without

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considering the owners, have the right to cut all cables connecting portions of the hostile country with each other or with a neutral country. The Naval War Code of 1900 permitted the cutting of cables of the latter description only in hostile territorial waters. This limitation is hardly justifiable theoretically, as other warlike acts can be committed on the high seas against neutral property (the right of seizing contraband); in practice, it is immaterial whether the interruption takes place on the high seas or in the belligerents' territorial waters. Cables between neutral territories must not be touched, even when owned by the enemy.

Wireless-telegraphy communications are to be treated like cables. The belligerents must have the right to interrupt these communications between portions of the opponent's territory, or between points of a hostile and a neutral country, by seizing floating stations—including those belonging to neutrals, which must be returned subsequently—or by establishing intercepting stations.

7. Bombardment of Open Towns. Endeavors to extend the prohibition of the bombardment of open towns by portions of the army also to the naval forces were frustrated both at the Brussels and The Hague Conferences, chiefly by the attitude assumed by England. In the next conference also a categorical prohibition will probably be unattainable, as all the State and private dockyards, arsenals, railways, etc., which help to supply the means of carrying on the war, must remain exposed to destruction. But bombardments solely for the purpose of enforcing contributions can be stigmatized as contrary to international law.

II. Rights and Duties of Neutrals.—1. General Attitude of Neutrals. In former times, the neutrals maintained a uniform friendly attitude towards the belligerents, and endeavored to continue their intercourse with them on the same footing as in times of peace. Since the Paris Declaration of 1856, the view, actively supported by England, that neutrality demands a uniform unfriendly attitude towards both belligerents, has gained ground. The tendency of this movement is to impose such extensive duties on the neutrals that they have to do a portion of the work of the belligerents; its chief object, however, is to exclude the war-ships of the belligerents from neutral ports. That this advantages only the State that in no part of the world is compelled to have recourse to neutral ports needs no further elucidation; many States have,

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however, to their own disadvantage, joined the new movement. It certainly does not further the general interest of neutrals, and it entails many possibilities of conflict. The neutral is most sure of not being drawn into the conflict when he changes his attitude towards the belligerents only so far that he does not become their auxiliary. He may not suffer his territory to become a basis for warlike operations, but he cannot be obliged to refuse common hospitality to the belligerents.

2. Treatment of the War-ships of the Belligerents. The old rules of neutrality do not restrict the stay of the ships of belligerents in any respect more than in times of peace; they permit all articles of equipment to be supplied, and any repairs to be made that do not immediately contribute to enhance the fighting capabilities. The new principle, advanced by England in 1861, and accepted first by the United States and later by many other countries, limits the duration of the stay to twenty-four hours, and permits sufficient coal to be taken on board to enable the vessel to reach the nearest port of her own country or some nearer destination, and repairs to restore seaworthiness.

It cannot be denied that the new rules, even if the old principle remains in force, are better adapted to certain cases of neutrality. A compromise between the two, therefore, will best suit the actual conditions created by war, if the French rules are applied in the case of those ports and waters which are at a distance from the sphere of operation of the hostile fleets, and the English remain valid for ports and waters within or near the sphere of operations. The neutrals must have the right but be under no obligation to close completely certain ports and bays. The difficulty of this distinction lies in the conception of the sphere of operations. It will have to be taken to mean that portion of the sea on which the opposing forces permanently manœuvre for the purpose of warlike operations. Ships which directly seek refuge from the enemy in neutral waters, and prizes, would have to be treated without regard to the distance from the chief theatre of war.

The extent and the duration of the repairs necessary to restore seaworthiness must be fixed by the neutral government. The latter must make no distinction between damages sustained on the voyage or by the action of the enemy's guns, as it would act in the interests of the other belligerent if it made the repairs dependent on this distinction. The action of the United States Gov-

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ernment towards the ships of Admiral Enquist undoubtedly exceeded the measure of duty. The German Government also did more at Tsingtau than duty demanded. Ships which do not leave the ports and waters after the expiry of the fixed term render themselves liable to disarmament.

3. Treatment of Disarmed Ships. This question is one of the questions that have arisen for the first time during this war. The regulations of The Hague Convention concerning the treatment of troops that have crossed into neutral territory may be some guide on this point also. The neutral must prevent ship and crew from participating in or assisting further operations, and may take all measures required to fulfil this object.

4. Control over the Actions of Subjects. England and the United States issued regulations at the beginning of last century which rendered penal certain actions on the part of their subjects in favor of the belligerents. In the course of the century these regulations were extended and supplemented, and other States followed the example thus set. The English Foreign Enlistment Act, of 1870, goes to the greatest lengths; it originated in the complications with the United States over the "Alabama" affair, and includes the chief points of the Washington Treaty of 1871. As this treaty, contrary to the original intention, has continued to be restricted to the two contracting parties, there is no international legal obligation attaching to such laws. The necessity for this was undoubtedly manifested in the present war, but it will probably suffice if the controlling and punishing duty is restricted to the territorial waters, as outside them the belligerents have the right to confiscate contraband goods and detain persons, and if it extends only to the following actions: (*a*) to the enlistment of their subjects in the war service of the belligerents, (*b*) to the building, equipment, delivery and commissioning of such ships for the belligerents as are directly adapted for war service, (*c*) to the supply of equipment material, and the undertaking of repairs beyond the limits fixed by the rules of neutrality. The Foreign Enlistment Act includes among the vessels directly intended for war service store-ships which follow a fleet to supply stores on the high seas, but it permits trade in contraband with the belligerents' ports. This distinction has been ostentatiously emphasized, the reason given being that the belligerents can employ the law of contraband against the trade in contraband

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goods. As they have, however, the same right with respect to ships which supply the opponent with stores on the high seas, this crafty distinction furthers only English interests.

Every obligation on the part of the neutrals in excess of the above is, therefore, equivalent to an assumption of the tasks of belligerents, and is directly opposed to the neutral interest which demands that freedom of trade shall be impeded as little as possible. The sale of private trading-steamers adapted for equipment as auxiliary ships to one of the belligerent governments or its agents is also a business transaction like any other, and is now generally considered to be admissible, the point of discussion being whether subsidized steamers, which have to a certain extent a public character, may be sold. The settlement of this question will create no difficulty. If such steamers are, in consequence of the subvention, either partially government property or especially prepared for war purposes, the sale is not compatible with the duties of neutrality. The steamers of the Hamburg-American Line which were sold to a Russian firm do not come under this category.

5. Control of News. This is another much-disputed point, as the St. Petersburg Telegraph Convention of 1875 and the Paris Convention of 1884 do not refer to times of war. During the Spanish-American war, England placed a censorship in Jamaica on the cable to Cuba, and closed the Hongkong-Manila cable as soon as the Manila end was taken on board American war-ships. During the present war, the Russian ships have enjoyed the free use of the telegraph in the ports they made on the outward voyage, as did both Russian and Japanese ships at Tsingtau and Chinese ports. This usage will probably have to be accepted as an international legal standard.

Concluding Remarks. Exigencies of space prevent me from dealing more fully with the separate points of the complicated subject of naval law. From what has been said, however, it will be clear that the tendency is for naval law to develop solely as the right of the stronger. The second Hague Conference will show whether a compromise can be effected among the political interests of all the maritime powers. Humanitarian considerations have influenced its development but little, and they will not influence its development in the future.

VON USLAR.

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THE FEDERAL REGULATION OF LIFE-INSURANCE.

BY JAMES M. BECK, FORMERLY ASSISTANT ATTORNEY-GENERAL OF THE UNITED STATES.

WHEN Alexander Hamilton, that Admirable Crichton of our political history, submitted to President Washington, on February 23rd, 1791, his remarkable memorandum on the constitutionality of the proposed National Bank, he took issue with Secretary Jefferson and Attorney-General Lincoln as to the scope of federal power; and in that memorable discussion, distinguished on both sides by remarkable intellectual ability and even more remarkable prescience, the two great schools of constitutional construction in this country had their true birth.

In discussing the question of implied powers, the Attorney-General had attempted to enumerate such as he deemed to be fairly included in the grant to the Federal Government of the express power to regulate commerce; and, in replying to this memorandum, Alexander Hamilton suggested others, and among those, whose existence, he declared, admitted "*of little, if any, question,*" he specified "the regulation of policies of insurance."

To Hamilton and his contemporaries, the regulation of all forms of insurance was a familiar exercise of governmental power. It is true that there were at that time few life-insurance companies in the country. The oldest company in the world, the Equitable, of London, had been founded less than thirty years before, and the growth of the life-insurance idea was so slow that it was not until several decades later that the business began to be what it now assuredly is,—a conspicuously beneficent instrumentality of civilization.

There were, however, at the time of the adoption of the Constitution, a number of fire and marine insurance associations, both

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foreign and domestic; and these commercial enterprises had been, in all civilized countries, the subject of governmental supervision, at times repressive and at times fostering. Thus, during Elizabeth's reign, the English Parliament in 1601 so far recognized marine insurance as the handmaid of commerce, and a valued and almost indispensable factor in commercial intercourse, that it provided an arbitration board of "grave and discreet merchants" to adjust controversies between insurer and insured.

Early in the development of insurance, attempts were made to make it a governmental function, and its direct relation to the great ends for which all government was instituted was early recognized. Thus, after the fire of London, in 1666, that city attempted to engage in fire-insurance, but the courts held that such business was beyond its corporate powers. Twenty years later, in a dispute between two existing fire-insurance companies, the right of the Crown to supervise the business and compel contribution by it to the support of the fire department was asserted and recognized.

Life-insurance, however, commended itself less to governmental favor, and this for the obvious reason that, in the earlier stage of its development, it was little better than a wager, as there were no adequate tables of mortality upon which the ascertainment of life expectancy could be scientifically adjusted. It was natural, therefore, that governments should discourage a business in which mere chance was to so large a degree a factor, especially as wagering upon life had in lawless times an obvious tendency to murder and other crimes. Thus, the ordinance of 1570 in the Netherlands, that of 1598 in Holland, that of Sweden in 1661, and that of France in 1681, all forbade wagers upon human life as against public policy. The value of annuities, however, was recognized, and attempts were early made to have them serve the purposes of fiscal administration. Thus, a Neapolitan, Lorenzi Tonti, proposed to Mazarin to issue a public loan in the form of annuities, the last survivor to receive the aggregate annuities upon all the lives of the annuitants; and Louis XIV, in 1689, issued such a joint annuity, which terminated in 1726 with the death of a female annuitant, who at that time had an annual income of over $350,000. The effect of such wagering upon life was so demoralizing that tontine insurance was forbidden in France in 1770.

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A century before, John De Witt, Grand Pensioner of Holland, had reported to the States General a plan for the sale of annuities upon a scientific basis, and in 1692 the English Government sold annuities without the tontine feature. In 1786, William Pitt attempted to convert a portion of the public fund into such annuities.

When Hamilton, therefore, included the regulation of policies of insurance within the federal power to regulate commerce, he instanced a power so familiar to all his contemporaries that he could well say that its existence admitted "of little, if any, question"; and I am not aware that, in the subsequent discussion of the constitutional question, either Jefferson or Lincoln took issue with Hamilton as to this particular claim. President Washington sustained Hamilton's theory as to the incorporation of a national bank, and in this the Executive Department was subsequently sustained by the Supreme Court of the United States, in the famous case of McCullough *vs.* Maryland, in which decision Marshall's analytical powers shone so resplendently.

Notwithstanding this claim of power, and the immense growth of insurance during the nineteenth century, and the intimate relation which it obviously bears to commerce, the Federal Government never legislated with reference to insurance, until, in the year 1903, it created the Department of Commerce and Labor. This Department was given power

> "to gather, compile, publish and supply useful information concerning corporations doing business within the limits of the United States *as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance.*"

This language fairly implies a declaration by the legislative branch of the Government that insurance may be a part of interstate or foreign commerce. The House Committee on Interstate and Foreign Commerce, to which this bill was referred after it had passed the Senate, recommended an amendment to create a bureau of insurance, "to exercise such control as may be provided by law over every insurance company transacting business in the United States outside of the State, Territory or District wherein the same is organized," giving as their reason the fact that the business of insurance was "essentially a matter of inter-

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state business, and hence largely beyond any effectual control by State authorities." The constitutionality of the proposed amendment was challenged in a debate in the House, but it was adopted by a vote of 98 to 81. In conference, the attempt to create a separate bureau was abandoned, and the power of the new Department was restricted to the mere collection of statistics.

At present, two bills for the federal regulation of insurance are pending in Congress, one introduced by Congressman Morrell and the other in the Senate by Senator Dryden, the latter containing a comprehensive scheme for such regulation.

The failure of Congress to legislate with reference to insurance until more than a century after the adoption of the Constitution does not disprove the existence of the power, for the same inaction is to be noted with reference to any Congressional regulations of interstate commerce. The plenary power of Congress over interstate carriers was never exercised until the passage of the Interstate Commerce Law of 1887. The commerce power has been well defined to be the "sleeping giant" of the Constitution; and it is only within a few decades that its true place, as the corner-stone of our federal system, has been appreciated.

Another department of the Federal Government had, however, previously recognized the fact that insurance was essentially commerce. In his annual message of December 2nd, 1895, President Cleveland referred to the "vast business" which American insurance companies had developed in foreign countries; and, after referring to the restrictive legislation in Prussia, he expressed the opinion that we should not "silently acquiesce in vexatious hindrances to enjoyment of our share of the legitimate advantages of proper *trade relations*."

Our foreign insurance interests, therefore, were classed with our foreign trade; and, during each subsequent administration, the State Department has repeatedly used its good offices to protect the foreign interests of American insurance companies.

It may be noted in passing that the importance of this feature of our trade relations is imperfectly appreciated. On December 31st, 1903, two companies alone (the Equitable and the Mutual Life, of New York,) had 366,725 outstanding contracts of life-insurance in foreign countries, which represented a total liability of $980,055,792, and they received in that year from these policies premiums amounting to $42,027,980.25.

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In protecting a commercial interest of this magnitude, the State Department has been embarrassed by the previous failure of Congress to recognize insurance as a matter of federal concern. When, for example, Prussia, in 1895, threatened to exclude American companies from its borders, the insurance departments of certain American States adopted retaliatory measures to exclude German companies. These orders of State superintendents were transmitted through the State Department to the Prussian Government, which naturally paid slight, if any, attention to the action of individual States.

Remarkable as has been the growth of life-insurance in all civilized countries, in none has its progress been so extraordinary as in the United States. Our American companies have, at present, over 17,000,000 contracts of life-insurance outstanding, and their annual premium receipts exceed $500,000,000, and their accumulated assets aggregate $2,000,000,000.

Without awaiting the recognition of Congressional enactment or executive order, insurance, through the agencies of steam and electricity, has nationalized itself. It has overleaped territorial boundaries and outgrown the supervisory power of the individual States, and President Roosevelt, therefore, only recognized an established economic condition rather than a constitutional theory when, in his last message to Congress, he said:

"The business of insurance vitally affects a great mass of the people of the United States, *and is national and not local in its application.* It involves a multitude of transactions among the people of the different States, and between American companies and foreign governments. I urge that the Congress carefully consider whether the power of the Bureau of Corporations cannot constitutionally be extended to cover interstate transactions in insurance."

More recently, in discussing the unhappy difficulties in the Equitable Life Insurance Company, which have so strongly emphasized the necessity of a single supervisory power, the President again said forcibly, although unofficially:

"It seems to me that what has occurred to the Equitable Life furnishes another argument for effective supervision by the National Government, if such supervision can be obtained, over all these great insurance corporations which do an interstate business."

There are peculiar reasons why insurance should be submitted to strict governmental supervision. Its success depends

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upon a multiplicity of contracts in order to establish a safe average, and even when conducted on the mutual plan, as distinguished from a joint stock company, such multiplicity (in the case of the Mutual Life Insurance Company, of New York, over 600,000 policy-holders) necessarily makes it impossible for the policy-holders to exercise any but an indirect control over the affairs of the company. Moreover, many of the contracts are conditioned upon the death of one of the contracting parties, and it is eminently proper that the State should supervise the faithful execution of the contract by the surviving party. The business requires such special knowledge that few, if any, have the training necessary to conduct it wisely. The expectancy of life must be determined scientifically. The earning power of money must be determined in advance by able economists. The investment of enormous accumulations of assets requires financial skill and experience of the highest order. The intricate mathematical calculations require exceptional actuarial skill. An infinitesimal fractional variance in such calculations may mark the difference between a sound proposition and an illusory scheme. The collapse of so many fraternal assessment societies shows the danger to the public of unregulated insurance; and, as the public can have neither the knowledge nor the aptitude to solve for itself these intricate questions, reasonable governmental supervision is not only desirable but imperative. Almost every civilized country has appreciated this necessity, and, in almost all, the insurance department is a bureau of the Department of Commerce.

Little need be added to the able article in the last number of this REVIEW, by Mr. S. Herbert Wolfe, on the folly of the division of authority. If it be a truism that "no man can serve two masters," it is also true that no insurance company can satisfactorily serve fifty-one. No legitimate commercial enterprise can be properly conducted which depends for its very existence, as well as its method of operation, upon the caprice of an official. Under the present system, insurance companies can obtain their right to do business, in a State other than that of their origin, only upon such terms, however capricious and arbitrary, as that State may direct; and, what is more mischievous, their right, when once admitted to do business and to fulfil solemn and continuing obligations, exists only by sufferance, and is liable to immediate destruction by the mere whim of a State official.

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The evil of conflicting commercial regulations, which led to the adoption of the Constitution by the colonies, still exists in the matter of insurance, for individual States have vied with each other in passing restrictive, discriminative and retaliatory legislation against the insurance corporations of other States.

The United States is the only government in which such power is decentralized and permitted to remain in a constituent State. Prior to 1901, the various German States regulated insurance within their respective borders; but, by the Imperial Statute of May 12th, 1901, the entire supervision of private insurance companies was vested in the so-called Imperial Supervising Office.

It is noteworthy that, in the last important attempt to draft a constitution for a federated republic, the power over interstate insurance transactions was vested in the central government; for the Commonwealth of Australia, by the Constitution of 1898, vests in Parliament the power "to make laws for the peace, order and good government of the Commonwealth," and in enumerating these, the article includes: "14. Insurance other than State insurance, also State insurance extending beyond the limits of the State concerned."

In France, the entire subject of governmental supervision was exhaustively considered by the Chamber of Deputies in the session of 1903, and a law was passed which vested such supervision in a bureau of the Ministry of Commerce.

Uniformity of contract in a given class of insurance is a basic principle of the business, but many States attempt by legislation, often injudicious, to read into insurance contracts statutory provisions which, applying only to contracts in a particular State, are destructive of uniformity.

The visitorial power of State departments has likewise been at times the subject of the gravest abuses. The expense of such examinations too often rests in the discretion of the visiting superintendents. While, like Warren Hastings, they may marvel at their own moderation, the burden to the company of these examinations by insurance departments of over fifty States and Territories is excessive. While many States have admirable insurance departments, against whose conduct no just complaint can be made, yet in others, arbitrary power over foreign companies has at times degenerated, as arbitrary power is apt to do, into impudent demands that are little better than official blackmail.

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The burden of expense has, in many instances, exceeded all legitimate bounds. In the year 1902, twenty-eight States received from insurance companies, exclusive of property taxes, over $5,000,000 in excess of the cost of such supervision. One single State is said to have collected more than the Federal Government requires to examine all the national banks in the country; and this unnecessary burden, aggregating each year $10,000,000, ultimately falls upon the policy-holder and is imposed not upon a money-*making*, but a money-*saving*, enterprise, whose lofty purposes and beneficent results ought to relieve it of any form of license taxation. A tax upon the moral obligation of insurance is little better than a tax on morality. It burdens the policy-holder in the recognition of a moral duty to safeguard those dependent upon him from the injurious consequences of his death. It is certainly a tax on thrift. The arbitrary expenses of inquisitorial examinations, which too often rest, as to amount, in the discretion of an insurance superintendent, is a form of Turkish satrapy which is utterly at variance with the spirit of our institutions. For nearly half a century the insurance companies have vainly protested against the intolerable burden of such vassalage to many masters, and they naturally welcome the declaration of President Roosevelt that the time has come for the Federal Government to assume the duty of supervising this important and beneficent instrumentality of modern life.

The difficulty is a legal rather than an economic one. Few reasonable men differ with respect to the advantage of having one central supervising authority, rather than many; and the federal regulation of insurance would have come to pass many years ago but for the decision of the Supreme Court in the case of Paul *vs.* Virginia, in the year 1868. The validity of a State statute, requiring foreign insurance companies to obtain a license as a prerequisite to business, was there in question, and its constitutionality was challenged on the ground that such an act was inconsistent with the federal powers to regulate commerce. The Court, speaking by Mr. Justice Field, held that

> "Issuing a policy of insurance is not a transaction of commerce. . . . These contracts are not articles of commerce in any proper meaning of the word. . . . Such contracts are not interstate transactions, though the parties may be domiciled in different States. The policies do not take effect—are not executed contracts—until delivered by the agent of Vir-

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ginia. They are then legal transactions and are governed by the local law."

This decision excited widespread interest, and has been freely criticised for many years by leading constitutional lawyers; but, as recently as the year 1901, in the case of Nutting *vs.* Massachusetts, the Court reaffirmed the doctrine, but in somewhat more guarded language, for Mr. Justice Gray, speaking for it, said:

"A State has the undoubted power to prohibit foreign insurance companies from making contracts of insurance, marine or otherwise, within its limits, except upon such conditions as the State may prescribe, *not interfering with interstate commerce.*"

Apparently, Mr. Justice Gray, who weighed his words with exceptional care, contemplated the possibility that, in some phases, interstate insurance transactions might be a part of interstate commerce, and therefore beyond the power of the State to injure or destroy; but, unfortunately, he failed to explain the meaning of his qualification.

A more successful attempt to impair its authority was made, a year later, in the so-called Lottery Cases, which were argued three times, and not finally decided until February, 1903. The Supreme Court had under consideration the constitutionality of a Federal Statute, which forbade the transfer by interstate carriers of a lottery ticket from State to State, and it was insistently claimed that as, under the authority of Paul *vs.* Virginia, an insurance policy was not an article of commerce, a lottery ticket, also an aleatory contract, could not be such an article of commerce. Apparently, there was no logical distinction between the two; for, if a lottery ticket, forbidden by the police laws of nearly every State, and which only promises to pay upon the remote contingency of a successful drawing, can be an article of commerce, then a contract of insurance, which promises to pay upon a contingency which must surely happen, must *a fortiori* be a subject of commerce.

By a vote of five to four, the Supreme Court finally sustained the validity of the federal act, and distinctly held that a lottery ticket was an article of commerce. It is significant that, although the opinion of the minority justices referred at length to Paul *vs.* Virginia, and subsequent cases, as inconsistent with the decision of the Court, the opinion of the majority made no attempt to suggest a logical distinction between a policy of insur-

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ance and a lottery ticket; and it may be fairly contended, therefore, until the Supreme Court declares otherwise, that the Lottery Cases have overruled Paul *vs.* Virginia, at least to the extent that the former case held that a policy of insurance could not be a subject of commerce.

Paul *vs.* Virginia, however, was also decided on the ground that, when an agent of a foreign insurance corporation delivers to a citizen of an admitting State a policy of insurance, such transaction is local and not interstate; but insurance companies could subject themselves to federal authority in this respect by making a direct delivery from the home office to the insured in another State. The destructive effect of Paul *vs.* Virginia upon federal supervision was caused by the sweeping declaration that a policy of insurance could not be a subject of commerce, and not by the dictum as to the place of delivery.

If it be permitted in the great court of public opinion to criticise the reasoning of the Supreme Court—and, as Homer nodded, so our great tribunal has on more than one occasion deliberately confessed its own fallibility by reversing a decision to which it had adhered for more than a generation—then I submit that the Supreme court, in Paul *vs.* Virginia, placed an exaggerated estimate upon the mere delivery of a policy, as the essential act of an insurance transaction. Undoubtedly, such delivery may mark the commencement of the contractual obligation thereby assumed, but the policy merely evidences the transaction of insurance, which, conceivably, could take place without either contract or delivery. For the purpose of federal power, insurance should be regarded, not as the mere delivery of a policy, but as the reciprocal transfer of money and credits from insurer to insured. Each year, more than $500,000,000 passes from State to State in fulfilling the contract of insurance, a form of commercial intercourse which surpasses in magnitude all of the interstate and foreign commerce of any kind that existed in the United States at the time of the adoption of the Constitution. A contract to exchange a ton of coal for money may not be commerce, but the actual exchange is; and, by parity of reasoning, a contract to pay a sum of money for indemnity, in consideration of an ultimate return, whether certain or contingent, of another sum of money, may not be commerce, but the actual exchange of reciprocal pecuniary benefits would seem to be as much commerce as the exchange of

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any other commodity. The Supreme Court, however, had apparently thought otherwise.

The Supreme Court has never had occasion to consider the validity of a federal statute to regulate insurance. All previous decisions were predicated upon State statutes; and, if the Dryden bill should become a law, and its validity be questioned, the Supreme Court will be assisted in recognizing federal authority, not only by its more recent decision in the Lottery Cases, but also by the fact that, since their decision in Paul *vs.* Virginia, Congress and the Executive Department have recognized by legislation and Executive declaration the federal nature of insurance. Unquestionably, neither Congress nor the Executive can enlarge the constitutional domain of government by a mere declaration, but the Supreme Court has repeatedly held that it will pay great respect to any declaration of coordinate branches of the Government as to what is an article of commerce.

No attempt, moreover, has been made to sustain a federal insurance law under any other express clause of the Constitution. The national banks are private enterprises, and are connected with the federal fiscal system by a very slender thread, and yet their constitutionality has been sustained. I think it would be possible to draft a law which would require insurance companies to serve the fiscal purposes of the government to such an extent as would bring them within the scope of federal power. Insurance is but a form of cooperative banking, and by enlarging its purposes the end referred to might be attained.

If, however, Congress is without present power under the Constitution, then the serious question presents itself whether the evil to be remedied is not of sufficient magnitude to justify a constitutional amendment. Personally, I think it is. Conditions have arisen of which the framers of the Constitution had no conception whatever. An amendment should be passed, if necessary, to regulate insurance, the importance of which can be measured by the fact that, as an institution, it collects more money each year than the Government itself, disburses more than the receipts of all the custom-houses, and administers an accumulated treasure greater than all the money now in circulation in this country or the entire capital of our national banks.

JAMES M. BECK.

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"THE NEGRO A BEAST."

BY EDWARD ATKINSON.

In one of the later numbers of "De Bow's Review," published before the Civil War, an article appeared purporting to be from a scientific writer of considerable repute as an ethnologist, who held that in the story of Adam and Eve the serpent had been much maligned. He held that the Hebrew word which had been translated "serpent" in telling the story of the temptation also meant "black," and that it was the Negro gardener who induced Eve to eat the apple, and had therefore been doomed to slavery.

That pseudo-scientific theory has lately been repeated in a book which is the most sacrilegious book ever issued from the press in this country, entitled "The Negro a Beast." It emanates from a building known as the Bible House of St. Louis, and is said to be securing a very wide circulation among the poor whites of the Cotton States, among whom its apparent purpose is to create animosity and to promote violence in dealing with the colored race. This writer repeats the theory of "De Bow's Review" with a variation, pretending that the Negro is not a descendant of Adam and Eve, therefore not a man; but that he is descended from beasts, and that therefore no Negro has any of the rights of human beings and may be treated as a beast. This is the last ditch in which this folly will be submerged.

This pernicious book is, apparently, a part of the political machine which is being made use of by a political faction to deprive the colored people of the old Cotton States of all their political and civil rights. It is sure to fail.

There is another class of books, the tendency of which is to mislead the present generation of Northern readers who are not familiar with the conditions of the South before the Civil War. These are the excellent novels of Southern writers of high repute,

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giving most attractive and sincere pictures of the patriarchal aspect of slavery, especially in Virginia. They prove the high character of many of the Virginia planters; they bear witness to the masters' care for the welfare of their slaves; how the slaves were taught to read in spite of legislative penalties, and how the marriage rite was respected among the colored people so long as they were under the control of these high-minded planters.

What does not appear in these books is the fate that very often befell the same bodies of Negroes when the old planters' estates were either divided among many heirs, or divided under such conditions that the personal chattels had to be sold. When that time came there could no longer be any respect either for the marriage of the Negroes or for any quality in them save two: their capacity to be worked out on the cotton-fields, or their capacity to generate human chattels to be sold for work on the cotton-fields.

These pictures of the patriarchal type are true, but they represent but a small fraction of the larger slave-owners.

It would not be judicious or expedient to rake up the old embers and light again the fires of controversy on the dead past; but those embers are being lighted again by the rash and headstrong political leaders of the Cotton States. It becomes necessary to recall attention to the damning facts which brought about the conditions under which, and by which, Southern men are now being influenced, and to renew the contest with the same domineering caste or faction that is now attempting to degrade the colored man, and to keep him on the level of the beast by disfranchisement and by imposing every other disability upon the colored people that it is in the power of reckless legislation to impose. This faction is already condemned to failure.

And now comes the most remarkable book ever written by a colored man (unless we except the novels of Dumas), which has been lately published under the title of "The Aftermath of Slavery," by Dr. W. A. Sinclair of Howard University.* In this book, the attention of Northern men is called to the manner in which Northern white men have been disfranchised by the disfranchisement of the Southern Negroes—the older Cotton States, from Louisiana to South Carolina, inclusive, having twice the number of representatives in Congress that their white population would give them (twice the number that New England has,

* Small, Maynard & Co., Boston.

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or that Ohio has, or that many other sections have), owing to the counting of the colored people as units in the distribution of members of Congress, while the Negroes are deprived of their rights under the disfranchising acts, thus giving to every representative from this so-called Southern Cotton Kingdom twice the weight in Congress that one representative has from New England, or from the Pacific States, or from Illinois, or from Ohio. The votes of twenty-six representatives in Congress are neutralized by the votes of twenty-six from the old Cotton States representing Negroes counted but disfranchised.

There is one aspect of this question which has failed to attract the attention of Dr. Sinclair, which I now propose to present. The present effort to present the patriarchal aspect of slavery only serves as a screen to cover up the horrors of slave-breeding. It will fail.

The effort to keep the Negro in the position of a beast of burden will also fail. The great economic forces now in action, and the facts and figures that are now being disclosed, will crush out that influence; and the effort to prove that the Negro is a beast, not a descendant from the same parents as white persons, would simply prove that a very large portion of the white citizens of Virginia and other border States were also beasts. It is now declared that not twenty per cent. of the colored people of the South are of pure Negro origin, and that the race is pervaded by the "best white blood" of the States in which they were born. Man and beast do not propagate; were the generators of the best blood of Virginia beasts?

In 1830, the curse of cotton had spread over the "sunny Southland," displacing almost every other crop. The Atlantic States had formerly been full of large game,—buffalo, deer, wild turkeys: later, full of cattle and stock of every kind; but, after the curse of cotton came down upon these States, Dr. Cloud of Alabama pictured the conditions when he said that "the cotton-planters had blasted the prairies and gullied the hillsides, and, being in possession of the best forage plants of the world, had rendered themselves dependent upon the North for hay to feed their cattle." The profit from cotton-growing had brought the product in 1830 for the first time to 1,000,000 bales, from 35,000 bales in 1793-4, in a single generation after the invention of the Whitney cotton-gin. In each subsequent decade, in favorable

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years, 1,000,000 bales were added down to 1850; between 1850 and 1860 nearly 2,000,000; the cotton crops were as follows:

1830—1831	1,038,847 bales.	1851—1852	3,126,310 bales.
1839—1840	2,177,838 bales.	1859—1860	4,861,292 bales.

These conditions created such a demand for colored labor that it could not be met in the Slave States in the Cotton zone. It was met by a large supply from these border States, the draft from the breeding States closely corresponding to the increase in the cotton crop; yet the supply did not suffice.

De Bow, the ablest economic student and writer of the South in that period, presented a remarkable thesis, in which he held that, the higher the price of cotton, the less would be the relative product, giving as a reason that each cent a pound added to the price of cotton also added a hundred dollars to the value of the human chattel necessary for its cultivation. The supply of human chattels could not be bred fast enough to meet the necessary demand; then came the effort to reopen the slave trade, which immediately preceded the attempt of the Cotton States to secede from the Union.

It had become plain to the shrewd and far-seeing leaders of the slavocracy that, unless human chattels could be produced or imported in greater numbers, the system of slave labor in these older Cotton States would be destroyed by economic forces. The Germans and others in Texas were raising larger crops of cotton per acre and of better quality than could be produced under the wasteful and costly system of slavery upon the partially exhausted lands of the old Cotton States. The chattel-producing States could not supply the demand; the price of field hands and of good breeding-women was constantly rising. The effort to make Kansas a slave State failed; the Indian Territory when open was sure to be made free. In this way the astute leaders foresaw that the old Cotton States would be surrounded by free-labor cotton-farms, with which it would be impossible for slave labor to compete.

This led to the last desperate effort to reopen the slave trade, and then to secede. The costly system of slave labor would have destroyed itself later, had it not destroyed itself by war.

These facts and forecasts were laid down in my first pamphlet upon "Cheap Cotton by Free Labor," published in 1861. Every prophecy therein made, including the development of the cotton-

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seed oil industry, has been more than fulfilled. Yet the work is but half accomplished, and will not be completed until the equal right of every citizen, without distinction of race, color or condition, shall have been fully established on the foundation of the common school.

On my last visit to the South, I met one of the largest cotton-growers and cotton-spinners in the whole section, the son of one who had formerly been the largest planter in his State. He said to me: "We cannot compete with you in Massachusetts until we have established common schools with compulsory attendance for every child in South Carolina, white or colored. That is what has made you prosperous; some of us know it now, and all of us will soon know it."

Under such leaders of intelligence, the Southland will presently be redeemed from its present political misleaders, and will move on the way to the equal conditions of prosperity now enjoyed by all other sections of our common country.

It may also be observed that, from the time of Jefferson down to the decade between 1820 and 1830, many efforts were made to relieve Virginia and other border Slave States from the burden of slavery. Virginia dedicated her great Northwestern Territory to freedom when she granted all her rights to the Nation. But in the decade beginning 1830 all these efforts ceased, for the alleged reason that the Northern Abolitionists had begun to meddle with what did not concern them, and that these States would maintain their own rights to manage their own domestic institutions. The breeding of human chattels for sale to the Cotton States had become the most important and profitable branch of their commerce, and its profits overcame all the influences in support of freedom. How this influence worked is made plain by the figures of the census.

A few exemplars of the patriarchal system tried to maintain humane conditions, but their efforts were futile. Year after year, the slave auctions received larger consignments, and numbers of men and women chained together were weekly driven even from the District of Columbia, even from the capital of the Nation, down to the cotton-fields, to be worked out on the plantations.

These are well-known facts. These statements are based on observation and experience; on the records of history and the records of sales of human chattels in the newspapers of the

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South. All records give proof of these abject conditions, by which the present conditions of illiteracy and ignorance have been brought upon these unfortunate Cotton States. Ignorance and illiteracy exist among blacks and whites alike—from which the blacks appear to be emerging more rapidly than the poor whites of the coast lands and in the Piney Woods regions of these States.

The present generation is not responsible for these conditions, but is subjected to the necessity of finding a remedy. This is a national question, and is now recognized as being so.

Present conditions in these old Cotton States bar the way to immigration, either from other sections — unless in colonies capable of establishing a government of law within their own boundaries—or, yet more, from Southern Europe, especially from Italy. The first demand of the intelligent Italian immigrants who are most desirable is for schools for their children. Until a complete system of common schools is fully established, from Mississippi to North Carolina, inclusive, foreign immigrants of the right type, especially Italians, will pass by them into Texas, Oklahoma and other parts of the great Southwest.

A profound change has lately come over even the old Cotton Kingdom. From North Carolina to Alabama, apparently not yet in Mississippi, it is no longer the man who was active in the war that is held in highest repute for the highest office; it is the "educational governor" who is most known, each now being ambitious to equip the State and to give to its people a true Democracy in place of the bastard Democracy that now rules,—the fact being now recognized that the only safe foundation for the government of the people by the people is the public school.

Under the curse of cotton and the oligarchical system of slavery, economic forces tended to the increase of wealth of the few, and to the degradation not only of the Negroes, but of the great mass of the whites. Slavery destroyed itself by civil war, and all the economic forces are now working rapidly to the uplifting of both races. The great tidal wave of education and the establishment of the common school in these backward Cotton States has become a national question, against which the resistance of a political faction will be powerless. The greatest need is in the districts where cotton has been the chief crop; the renovation of the soil will be assured in the same process. It is in these cotton sections that the greater number of illiterates have been found,

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both white and black. When a true education is in full vigor, the wasteful system of agriculture will pass; and two bales of cotton will be made on the same plot of land that now yields but one.

The illiteracy of the people of the mountain section above the cotton belt where few slaves were ever held, sometimes called the "Land of the Sky," is of a different type. These mountain people were uninformed rather than ignorant; and, when brought out from their isolation into the textile-factories and other arts, they rapidly prove their ability. To them it is a step upward, as it was to the farmers' daughters of New England, fifty years ago, to leave their isolated dwellings even to work in a cotton-factory fourteen hours a day for meagre earnings. But, like the New England women, as they become informed they demand shorter hours, higher wages and better conditions of life, soon passing through the monotonous conditions of the textile-factory to take up the lesser arts which demand more individual character, yield much higher wages or earnings and far better conditions of life. These people of the mountains have been isolated by the surrounding pall of slavery, so that English forms of speech, obsolete words and practices still prevail among them. They spun and wove their own garments by hand, made their own iron in the wayside forge, and, being largely of Scotch-Irish origin, gave to the South her strongest men,—Calhoun, Stonewall Jackson, William L. Wilson and many others. Their descendants and those of the Huguenots of South Carolina are today the coming leaders who will suppress the reactionists, and save these States from the political and economic suicide to which they have been tending.

Under former conditions the social system of the Atlantic Slave States outside the mountain section was one of the strictest caste. There was no race prejudice; there could not be, where nearly every well-born white child was nursed by a Negro mammy, and where probably half the children born of colored women had white fathers. These very conditions developed the most rigid system of caste that ever prevailed in this country.

The patriarchs who cared for their slaves, and who tried to bring them up under Christian conditions, were separated distinctly from the slave-breeding planters. The planters as a class regarded slave-dealers almost as outcasts, although they employed them for purposes of profit. They looked down upon the over-

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seers, whom they were compelled to employ in the conduct of their plantations, as inferior persons holding no position in society.

The colored people were divided in the same way. The household Negroes looked down upon the field hands; the field hands belonging to an old family plantation looked down upon the "niggers" in the towns. Whites and blacks alike of the household class, known as "quality," looked down upon the poor whites. Even the Negro field hands regarded the "white trash," as they were called, of the coast lands as a class of beings having even less relation to humanity than the Negroes themselves are now considered to have by the Bourbons and reactionists.

It is out of these conditions that the present prejudice of caste has been developed. Southern men even of high repute and education are almost incapable of throwing off the false conceptions regarding races which have come down to them through generations of ancestors. Calhoun and his associates earnestly believed that the only possible relation in which whites and blacks could live together in the same State was that of master and slave. They were intellectually honest.

There were 4,000,000 slaves in the South in 1860. It cost the North $4,000,000,000 to remove the curse of slavery from the Southern States. The price of liberty, and of the emancipation of the white man as well as of the black man, was at the rate of $1,000 for every slave existing in the land in 1860. This is an exact estimate. The expenditures of the Union during the four years of civil war were, disregarding fractions, $4,000,000,000 in excess of the normal rate of expenditure in time of peace.

It is not to be wondered at that the ignorant and illiterate masses of the Cotton States should be jealous and envious of the greater advancement of their colored neighbors. But it is difficult to comprehend the conditions of mind of otherwise intelligent men, now lessening in number very rapidly, who regard the Negro as of an inferior rather than of a backward race. Many most intelligent Southern men have got beyond this stage, and all will ere long. One of my most valued correspondents, son of one of the great planters, of late holding judicial position in the South, has written me that he regarded the Negro race as, in some respects, the best race in the world,—their virtues more than counterbalancing vices generated under the conditions of slavery. Among these virtues he named their eagerness for edu-

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cation; their religious aspirations, as yet misdirected; and, above all, their freedom from vindictiveness and malice, by which the Southern women and children were saved from the horrors that might have occurred, had any other race than the Negro been in the position in which the Negroes were left on the scattered plantations of the South while nearly all the white men entered the Confederate armies. Fortunate, indeed, is it that the colored race is not vindictive. Who can imagine the appalling quality of the race problem, if a vindictive race, oppressed as these colored people have been for centuries, had risen in insurrection and laid waste the Southland when the men were in the army?

The colored people, moved either by their imitative qualities, emulating the position of the white man through their almost overconfidence in the education of the schools, and in their earnest desire to protect themselves from the brutality of their more degraded white neighbors, have segregated themselves and established their own communities in many counties of the South.

But even these humane qualities of the colored people may be changed by violence, lynching and privation of civil rights. In many places they have turned upon their oppressors, and in some sections have formed prosperous communities of their own, in which they can defend themselves and their property.

The New York "World," speaking of the achievements of the colored man since his emancipation, gives this testimony:

"He owns 137,000 farms and houses worth $725,000,000; he has personal property to the value of $165,000,000; and he has raised $10,000,000 for his own education; to propose that the Nation shall step backward in the face of such a stepping forward, is a curious form of argument to prove the superiority of the dominant white men."

But this is what the misrepresentatives of these Atlantic Cotton States are trying to do, at the risk of provoking a war of races that would put their States back a half-century into a worse barbarism than that of slavery. Southern men of intelligent thought, who will ere long become the true leaders of the South, fully comprehend the moral stupidity and economic folly of the policy now being followed in most of these States.

The present political misleaders declare that the Negro or colored laborer is the best in the world, necessary to meet the existing conditions of the South, and are imposing fines upon the emissaries of other States who may try to induce colored laborers

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to migrate from the Atlantic coast; and yet, with inconceivable stupidity, they declare openly in the presence of these very laborers that they are inferior and incapable, that they are generated by beasts, and that they are only fit to be harnessed to a plough alongside the mule. The force of folly could no further go. The disfranchisement of citizens of the United States, counted as units, cannot stand when the North comprehends that for every Negro disfranchised one white man, holding these stupid and brutal opinions in the South, counts double in Congress and in the Electoral College. When the North becomes aware that one intelligent voter in the North is disfranchised with every colored citizen in the South, the representation in Congress will be adjusted under the mandatory provisions of the Constitution, so as to remedy this wrong.

The Island of Jamaica gives a complete example. For fifty years after emancipation, the same effort was made to keep the Negro in the sugar-factory and on the sugar-plantation, by putting differential taxes on his supplies, on the roof of his cabin and on his windows, this effort culminating in the horrors of 1865 under Governor Eyre. The disgrace of these conditions aroused the English people to the folly and injustice of the course which corresponded to the one which is now being pursued in the Atlantic Cotton States. A sane and just method of administration was adopted in Jamaica under humane governors; the colored people were freed from their disabilities, encouraged in their efforts to make progress in art and industry. To-day the Island of Jamaica is peaceful; white women, without escorts, pass over the island in perfect safety, dwelling for weeks on the hills among the peasants, all of whom are colored. Industry is progressing, and the question of color has disappeared in a large community where the colored people outnumber the whites in greater measure than in any State in this Union.

In proof of the conditions developed in this treatise, the subsequent table will give the facts and figures.

In the compilation of the census of 1900 the colored population, in part or wholly of Negro blood, are termed Negroes, to distinguish them from other colored races.

The relative gain in the Negro population of the Cotton States and of the border States from which they derived their supply of human chattels is disclosed by the census tables.

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NEGRO POPULATION BY STATES.*

States Which Supplied Field Hands.

	1830.	1840.	1860.
Delaware	19,147	19,524	21,627
Maryland	155,932	151,815	171,131
Dist. of Columbia	12,271	13,055	14,316
Virginia	517,105	498,829	548,907
Kentucky	170,130	189,575	236,167
	874,585	872,798	992,148

States Which Imported Field Hands.

No. Carolina	265,144	268,549	361,522
So. Carolina	323,322	335,314	412,320
Georgia	220,017	283,697	465,698
Florida	16,345	26,534	62,677
Alabama	119,121	255,571	437,770
Mississippi	66,178	196,577	437,404
Louisiana	126,298	193,954	350,373
Texas			182,921
	1,136,425	1,560,196	2,710,685

The Negro population of the Chattel-producing States slightly diminished between 1830 and 1840. Between 1830 and 1860 it increased only 117,563, or thirteen and one-half per cent.

On the other hand, the Negro population of the Chattel-consuming States increased from 1830 to 1840 423,761, or a fraction over thirty-seven per cent., and 1,574,260 between 1830 and 1860, or nearly one hundred and thirty-nine per cent.

It will be observed that the increase of colored population in the Chattel-producing and Chattel-consuming States, combined, carried the number from 2,011,010 in 1830 to 3,702,833 in 1860, constituting nearly the whole of the slave population of the country at the beginning of the Civil War. The increase in these States numbered 1,691,823, at the rate of eighty-four per cent. At this rate, the production of human chattels, in specific Cotton States themselves, numbered 954,597. The number of chattels imported from the producing States was a little under 740,000.

With a constantly increasing price, at a fair average, the income to the Chattel-producing States, at a fraction over four hundred dollars each, yielded a revenue during the thirty years of $300,000,000, or $10,000,000 a year, making this a much more profit-

* Tennessee is omitted because a large section is in the best cotton belt and the migration was from one section of the State to another.

Arkansas and Missouri are omitted because they have always been more of the Western than Southern type, their progress having been greatly retarded by slavery before emancipation.

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able branch of productive energy than continuing the cultivation of worn-out tobacco lands or other branches of agriculture.

The principle of liberty and of equal rights, established by Washington, embodied in the Declaration of Independence by Jefferson, enacted in the Constitution by Madison, supported by Patrick Henry and sustained by John Marshall, all of Virginia, put into force by all the great Southern patriots of the Revolution, developed by Adams and Hancock and taught in every common school of the North, cannot be suppressed by the degenerate successors of these great statesmen, whose names are now inscribed upon the frames of the chairs in the Senate and House of Representatives in Washington of which the seats are now vacant. It is the principle by which the Nation lives and moves and has its being. The moral, economic and political forces, even in the old Cotton States, are now moving to fill the chairs from which the misrepresentatives of the Southland will soon be removed to nameless obscurity. The reconstruction of the Nation will then be complete, and that day is not far distant.

The writer was a Free Soil voter in 1848; he was conversant with all the conditions of that and the war period. After slavery had destroyed itself in the Civil War, he and other conservative men concurred with Governor John A. Andrew in opposing unrestricted Negro suffrage, advocating the enfranchisement of white and black alike under such equal conditions, without distinction of race or color, as each State might impose in the matter of educational, property or tax qualifications. Their efforts to establish these conservative conditions in respect to suffrage were defeated by the aggressive attempts of the unreconstructed people of the Cotton States to reduce the freemen to a condition of serfage worse than that of slavery.

Step by step, the utter lack of comprehension of the right methods of dealing with the race question forced upon the North the Thirteenth and Fourteenth amendments of the Constitution, and lastly the Fifteenth Amendment, under which it will become mandatory upon Congress to readjust the number of representatives in Congress and in the Electoral College to the conditions that are now being disclosed. When citizens are disfranchised on the color line in disregard of the organic law of the country, the representation of the States in which this wrong is committed must be reduced in due proportion. Before that necessity arises,

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however, the sane and safe leaders of Southern opinion will suppress the reactionary element that now has a short and temporary control.

The following figures indicate the relative representation of white citizens in the Cotton States as compared to the representation of white citizens in different groups of Northern States:

COTTON STATES.

	Citizens, Colored.	Citizens, White.	Representatives, No. in Congress.	No. of White Citizens to each Representative.
La.	650,804	729,612	7	
Miss.	907,630	641,200	8	
Ala.	827,307	1,001,152	9	
Fla.	230,730	297,333	3	
Ga.	1,030,813	1,181,294	11	
S. C.	782,321	557,807	7	
N. C.	624,469	1,263,603	10	
	5,054,074	5,672,001	55	103,127
	5,672,001			
	10,726,075			

In the above States, colored citizens are disfranchised.

NORTHERN STATES.

	White Citizens.	Representatives in Congress.	No. White Citizens to each Representative
Illinois	4,734,873	25	189,395
Ohio	4,060,204	21	193,344
Maine	692,226	4	
N. H.	410,791	2	
Vt.	342,771	2	
Mass.	2,769,764	14	
R. I.	419,050	2	
Conn.	892,424	5	
Total	5,527,026	29	190,587
Cal.	1,402,727	8	
Colo.	529,046	3	
Idaho	154,495	1	
Montana	226,283	1	
Nevada	35,405	1	
Ore.	394,582	2	
Utah	272,465	1	
Wash.	496,304	3	
Wyoming	89,051	1	
Total	3,600,358	21	171,445
Ind.	2,458,502	13	
Wis.	2,057,911	11	
N. Dak.	311,712	2	
S. Dak.	380,714	2	
Total	5,208,839	28	186,030

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In conclusion it will be observed that the States of Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina and North Carolina now elect, by counting disfranchised negroes, twenty-six representatives in Congress out of fifty-five. This number—twenty-six—is in excess of the number to which they would have been entitled under the census of 1900 on their white population counted separately.

The political leaders of these States cannot be so foolish as to suppose that the Northern States will submit to this disparity, after it has been made plain that the people of these States will not remedy the evil and restore the franchise without distinction of race, under such conditions of educational or property qualifications as may to each of them be deemed suitable.

It will, however, be very certain that, when it has been made plain that Congress will remedy this disparity and will take away from these States as many representatives as now stand for the disfranchised Negroes, the same political leaders who have been so keen to get them disfranchised will become as keen to have the franchise extended as widely as possible, without regard to race or color, in order that they may possibly maintain their present number of representatives in Congress and their proportional number of representatives in the Electoral College.

I have attained repute in the Cotton States by speaking plainly whenever I have met their leading men face to face, or have written articles in the Southern press. I have contrasted the past, the present and the future that is within their grasp; I have followed out the counsels of Governor Andrew to his friends, to enter upon a vigorous pursuit of peace. This treatise will create animosity and will bring out personal abuse and denunciation, but that will come from the very class of political misleaders who are retarding the progress of the whole South, and whose influence must be overcome by men of thought and comprehension and of true patriotism in the South itself, in whose support these facts are now made plain.

EDWARD ATKINSON.

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PRESENT CONDITIONS IN THE ANTHRACITE COAL INDUSTRY.

BY DAVID WILLCOX.

THE recent speaking campaign of Mr. John Mitchell, the president of the United Mine Workers of America, in the anthracite coal regions, has aroused much interest in the present situation of the anthracite industry, and in the question whether there is anything which can possibly warrant a recurrence next year of disturbances and losses such as those caused by the strikes of 1900 and 1902. An examination of present conditions shows that there is no cause for anything of the sort, especially because the existing conditions are all the result of arbitration.

In the letter written by President Roosevelt upon October 23rd, 1902, appointing the Anthracite Coal Strike Commission, it was enjoined upon the Commission to make the "endeavor to establish the relations between the employers and the wage-workers in the anthracite fields on a just and permanent basis, and, as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle." In making its award, the Commission expressed the view that "the awards we have made . . . will accomplish, certainly during their life, the high aims contemplated in your letter." The belief of the Commission has been justified by the result.

Every substantial matter affecting the employers and the employees engaged in anthracite mining has been already covered by the decisions of the Anthracite Coal Strike Commission and of the Board of Conciliation established under the Commission's award. The existing conditions have all been settled and established by arbitration, and the machinery has been provided for similarly settling any new questions which may arise from time to time. The facts as to the matters involved are as follows:

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1. *As to hours of work.* The employees already average less than eight hours' work per day. This was established by the award of the Strike Commission. It said that "for the contract miners the hours worked certainly do not exceed, on the average, eight hours." For the remaining employees, known as "company men," the Commission found that, taking the region as a whole in the year 1901, the number of hours worked per annum averaged 1960, distributed through 258 days; so that the average day's work was 7.6 hours.* So, too, in one of the large companies where the time was kept, during April and May last passed, the average number of hours worked per day for the miners was 6.85 and for the company men 7.34.

The present suggestion of an eight-hour day for the "company men" does not, therefore, mean any diminution in hours of labor. The suggestion is no part of a general movement for an eight-hour day; but it is merely an effort for an advance in wages over and above the standards fixed by the Strike Commission.

2. *As to wages.* As the result of a general strike in 1900, wages in the anthracite industry were advanced about twelve per cent. The strike of 1902 had, as one of its expressed objects, the securing of a further general advance of twenty per cent. The award of the Strike Commission gave to the miners a general increase of ten per cent. on the previous rates of compensation, as the same had been already increased by the strike of 1900. The other employees, amounting to about fifty-five per cent. of the whole number, had been paid wages by the day, computed upon the basis that ten hours constituted a day; so that for each hour worked they received one-tenth of the daily rate. The Commission awarded that they should thereafter be paid upon the basis of nine hours constituting a day, so that for each hour worked they should receive one-ninth of the daily rate instead of one-tenth as theretofore, and overtime should be paid for at this proportional rate per hour. This was done not to decrease the hours

* The Commission stated, by way of illustration, that the average number of hours worked per day in the case of the Reading Company was 8.6; in that of the Delaware, Lackawanna and Western Company, 7.8; in that of the Lehigh and Wilkesbarre Company, 7.7; in that of the Delaware and Hudson Company, 7; in that of the Temple Iron Company, 7.2; and that "a study of the tables shows comparatively few instances in which the breakers" (the machinery for preparing coal in the various sizes) "made full 10 hours, while from 6 to 9 hour days were the most numerous."

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of labor, which, as just seen, already averaged less than eight per day, but to increase the compensation of this class of employees. The Commission explained its action as follows:

"This would give the employees whom we are now considering practically a wage increase of 11 1-9 per cent., for the reason that, working the number of hours they now work, which is generally less than nine each day, they would be paid for hours in which they actually work, at the hourly rate for a nine-hour day. For example, in case of the Delaware and Hudson Company the average hours of breaker time per start is 7 and the company men . . . who now receive say $1.50 a day for 10 hours' work, would under the conditions of a nine-hour day receive one-ninth, instead of one-tenth, of $1.50 as their rate per hour for seven hours' work, or 16 2-3 cents instead of 15 cents per hour."

The Commission further arranged a sliding scale so that both the miners and the "company men" should participate in any increase in the price of coal. As to this it said:

"No sliding scale can be of permanent value unless there be established a minimum basis of earnings and a minimum price of the article on which the scale is constructed. The statistics of the price of coal, f. o. b., New York Harbor, have enabled the Commission to arrive at what seems to be a just basis, so far as price is concerned, while the minimum basis of earnings must necessarily be that established in the award."

Acting in accordance with the views thus stated, the Commission fixed the minimum price to which the above advances in wages applied at $4.50 per ton for the "prepared" or domestic sizes at tidewater, and provided that, as the price advanced, the rates of compensation should increase one per cent. for each increase of five cents per ton in the price.

To resume, therefore: as the result of the strike of 1902, the Strike Commission assumed $4.50 per ton as the standard of price, and upon that basis awarded to the miners an increase in compensation of 10 per cent. and to the company men an increase in wages of 11 1-9 per cent. Its award provided also that, as the price rose, the compensation of both classes should rise at the rate of one per cent. for each advance of five cents in the price. These awards have been regularly carried out. Comparing 1901, before the strike, with 1904, after it, the absolute increases in rates of compensation added to the cost of producing coal about 24.81 cents per ton, and the increases under the sliding scale about 5.96 cents per ton additional. The total sum which these increases added, in the year 1904, to the cost of the coal

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produced was about $13,200,000 by the absolute increases and about $3,200,000 additional by the sliding scale; or a total increase in cost of about $16,400,000. This increased cost was necessarily borne for the most part by the "prepared" or domestic sizes,—amounting in 1904, to 61.99 per cent. of the whole, or a total of 35,636,661 tons, as against 21,858,861 tons of the small sizes—because the small sizes compete with bituminous coal and their price must be on substantially the same level. With the advance in the prices of material and labor generally, these advances, therefore, led to an increase in prices of the "prepared" or domestic sizes amounting to about fifty cents per ton.

In regard to the rates of wages prevailing before these advances were made, the Commission said:

"As to the general contention that the rates of compensation for contract miners in the anthracite region are lower than those paid in the bituminous fields for work substantially similar, or lower than are paid in other occupations requiring equal skill and training, the Commission finds that there has been a failure to produce testimony to sustain either of these propositions."

Nevertheless, as has been said, the Commission awarded these large advances as the result of the strike of 1902. Since then no changes whatever have occurred in the basis upon which the Commission fixed the increased rates of compensation. The existing rates of compensation were settled as the proper rates when coal sells at $4.50 per ton, and the sliding scale was arranged so that, as the price advanced, the compensation should increase.

If now the wages of the company men should be fixed at the present figures for eight hours instead of nine hours, the result would not be to shorten hours of labor, because, as already said, the employees do not now average eight hours' work per day, but to increase the wages per hour 12.5 per cent. The total paid to this class of labor during the past April was approximately 60.64 cents per ton. This would, therefore, be an increase of about 7.6 cents per ton—on the total production of coal it would be about $4,350,000. The only class benefited would be the "company men." As regards the miners and their laborers, amounting to about 45 per cent. of the employees, the change would naturally lead to their working the full eight-hour day, instead of very much less as at present, and thus diminishing the cost of production. This they could not consistently or successfully oppose if a uniform eight-hour day were established.

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As the present rates of wages were fixed by the Strike Commission with full reference to the prices of coal and advance as those prices advance, and as no change has occurred since then, the action proposed would be merely overruling the award of the Commission. It would further increase the expense of mining and probably lead to some advance in price of the domestic sizes.

3. *As to the unit upon which is based the compensation of the miners.* In much the greater number of collieries in the Wyoming and Lehigh regions, from the beginning of the industry, payment has been made to the miners upon the basis of the number of cars of loaded coal sent up from the mines. From this it has followed that the shafts and breakers have been so constructed that any change in the unit of compensation would be very expensive and would cause much interruption of production. In the remaining collieries, payment is based upon weight of coal sent up. At the different collieries, the rates of payment for each of these units vary considerably, because differences in the veins cause a varying amount of labor to produce the unit of coal. In fact, each colliery has a system of compensation peculiar to itself, and there is no general uniformity.

In 1902, one of the demands made by the miners was that these methods should be changed and the coal should be paid for on a uniform basis of a ton of 2,240 pounds. The Commission decided against the demand and refused to disturb existing conditions. It said:

> "The Commission is not now prepared to say that the change to payment by weight based on a 2,240-pound ton, when the price would necessarily be adjusted to the number of pounds—practically the case now—would prove of sufficient benefit to the miners to compensate for the expense and trouble thereby imposed upon the operators now paying by the car. Many of the operators in order to accommodate themselves to the change would have to reconstruct the breakers or place the scales at the foot of the shaft, and, when there is more than one level in each mine, at the foot of each level."

The Commission called attention also to the fact that the change demanded would add enormously to the cost of producing coal, especially by greatly increasing wages—resulting "in many instances in an increase of 300 per cent. over present cost."

While it decided against this demand, the Commission fully protected the miners by providing that, wherever they saw fit to pay the expense involved, they should have the right to appoint

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check weighmen and check-docking bosses. "The check weighmen and check-docking bosses," the Commission said, "are inspectors employed by the miners themselves, to watch the weighing and docking of coal in their interests." The miners have appointed such inspectors only at a few of the collieries; as a rule, they have not thought it worth while to incur this expense.

4. *As to right of all to work, whether members of the union or not.* The Commission decided that the mines should be open to all seeking employment, regardless of membership in any labor organization and of the action of any such body. It said:

"The right to remain at work where others have ceased to work, or to engage anew in work which others have abandoned, is part of the personal liberty of a citizen, that can never be surrendered, and every infringement thereof merits and should receive the stern denouncement of the law. All government implies restraint, and it is not less, but more, necessary in self-governed communities, than in others, to compel restraint of the passions of men which make for disorder and lawlessness. Our language is the language of a free people, and fails to furnish any form of speech by which the right of a citizen to work when he pleases, for whom he pleases, and on what terms he pleases, can be successfully denied. The common sense of our people, as well as the common law, forbids that this right should be assailed with impunity. It is vain to say that the man who remains at work while others cease to work, or takes the place of one who has abandoned his work, helps to defeat the aspirations of men who seek to obtain better recompense for their labor and better conditions of life. Approval of the object of a strike, or persuasion that its purpose is high and noble, cannot sanction an attempt to destroy the right of others to a different opinion in this respect, or to interfere with their conduct in choosing to work upon what terms and at what time and for whom it may please them so to do.

"The right thus to work cannot be made to depend upon the approval or disapproval of the personal character and conduct of those who claim to exercise this right. If this were otherwise, then those who remain at work might, if they were in the majority, have both the right and power to prevent others, who choose to cease to work, from so doing.

"This all seems too plain for argument. Common sense and common law alike denounce the conduct of those who interfere with this fundamental right of the citizen. The assertion of the right seems trite and commonplace, but that land is blessed where the maxims of liberty are commonplaces.

"It also becomes our duty to condemn another less violent, but not less reprehensible, form of attack upon those rights and liberties of the citizen which the public opinion of civilized countries recognizes and protects. The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means the destruction

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of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the 'boycott' (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practised in aid of a strike, and as was in some instances practised in connection with the late anthracite strike, it is a cruel weapon of aggression, and its use immoral and antisocial.

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike. This may sometimes be un-Christian, but it is not illegal. But when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime. . . .

"In social disturbances of the kind with which we are dealing the temptation to resort to this weapon oftentimes becomes strong, but is none the less to be resisted. It is an attempt of many by concerted action to work their will upon another who has exercised his legal right to differ with them in opinion and in conduct. It is tyranny, pure and simple, and as such is hateful, no matter whether attempted to be exercised by few or by many, by operators or by workmen, and no society that tolerates or condones it can justly call itself free."

The Commission made the following award upon the subject:

"No person shall be refused employment, or in any way discriminated against, on account of membership or non-membership in any labor organization; and there shall be no discrimination against, or interference with, any employee who is not a member of any labor organization by members of such organization."

Since the Commission's decision, the Supreme Court of the United States, the Supreme Court of Pennsylvania, the Court of Appeals of New York, the Supreme Court of Massachusetts and the Supreme Court of Illinois, have all pronounced judgments, stating the law in terms substantially similar to those used by the Commission. In sustaining the antiboycott law of Wisconsin, the Supreme Court of the United States significantly said:

"The most innocent and constitutionally protected of acts or omissions may be a step in a criminal plot, and if it is a step in a plot, neither its innocence nor the constitution is sufficient to prevent the punishment of the plot by law."

It is interesting to compare with these authoritative statements of the rules controlling the subject, the views of Mr. John

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Mitchell, as expressed in his recent work on Organized Labor, the significant features of which are here italicized:

"With the rapid extension of trade-unions, the tendency is toward the growth of *compulsory* membership in them, and the time will doubtless come when this *compulsion* will be as general and will be considered as little of a grievance as the compulsory attendance of children at school. *The inalienable right of a man to work will then be put upon a par with the inalienable right of a child to play truant,* and the *compulsion* exercised by the trade-union will be likened to that of a state which in the interest of society forces an education upon the child, even though the child and its parents are utterly and irreconcilably opposed to it" (p. 283). "It is unwise, moreover, to demand the unionizing of a shop or an industry where there is not sufficient strength to *compel* it. For every such demand and prior to such demand, there should be months of patient propaganda, and in this, as in every other line of trade policy, *compulsion* should not be used until persuasion has completely and signally failed" (p. 284). "In conclusion, I believe that trade-unions have a perfect legal and moral right to *exclude* non-unionists, but that this right should be exercised with the utmost care and only after persuasion has been tried and has failed. I also believe that with the growth of trade-unionism in the United States the *exclusion* of non-unionists will become more *complete,* although animosity toward the non-unionist will diminish with the lessening of his power *to do evil*" (p. 285).

"The legal right of workingmen to boycott should not be called into question; workingmen in boycotting one of their fellow craftsmen are simply doing together what they have a perfect right to do separately. A man has a legal right to deal at a certain establishment, to give or withhold patronage, to buy when he sees fit, and *what one man may do, a hundred or a thousand should have the right to do*" (pp. 287, 288). "If the time should come when there are *millions of workingmen acting together in common upon a boycott approved by all,* the power of the organized workers of the country will be *infinitely increased*" (p. 298).

These expressions indicate that their author has failed to accept the rules laid down by the Anthracite Strike Commission, although his organization was a party to its judgment, and also by the courts of last resort of the country generally. While differences of individual opinion may always exist, still the rules of action in civilized communities are authoritatively settled by their judicial tribunals.

5. *As to the adjustment of present or future grievances.* For the purpose of disposing of questions arising under the award and of any future grievances, the Anthracite Strike Commission constituted a Conciliation Board, three members of which were to be appointed by the employees and three members by the opera-

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tors, with a provision that in case of necessity an umpire should be appointed by one of the Justices of the United States Circuit Court for the Third Circuit. This Board was accordingly duly organized with the three district presidents of the United Mine Workers representing the employees and three members representing the operators. "At all hearings before said Board," the Commission directed, "the parties may be represented by such person or persons as they may respectively select," and this practice has been pursued. The Board has passed upon all grievances which have come before it, save a small number of recent cases which are in process of adjudication.

The total work of the Board was as follows up to January 12th, 1905: total grievances presented, 125; cases withdrawn, 42; cases settled by parties, 9; cases sustained, 18; cases partially sustained or compromised, 6; cases not sustained, 28. The services of an umpire have been required only 14 times, and there have been practically no strikes. The Board has had great success, and the present conditions indicate its usefulness.

The action of the Board of Conciliation has had the following results among others:

(*a*) Every grievance has been disposed of in due course, and there are now no grievances in existence of sufficient merit to warrant their submission to arbitration, save a small number of recent cases which are in process of adjudication.

(*b*) The Board has decided that the employers have the unconditional right to hire and to discharge their employees irrespective of the motives leading to such action. This the Board has said is correlative to the right of the employees to terminate the employment whenever they see fit.

(*c*) The Board has decided that the employers are under no obligation to collect from the employees funds for any purpose which they may designate, save for the payment of check weighmen and check-docking bosses.

6. *As to a contract with the union.* One of the demands presented to the Strike Commission was that a contract should be made by each of the employers with the United Mine Workers, covering "(1) the wages which shall be paid, and (2) the conditions of employment which shall obtain, together with (3) satisfactory methods for the adjustment of grievances which may from time to time arise." As has just been shown, the award of

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the Strike Commission covered all these specifications, because it fixed (1) the wages, (2) the conditions of employment and (3) a method for adjustment of future grievances. It, therefore, provided amply for every purpose sought to be accomplished by a contract with the union.

The Commission, however, denied the demand that these matters should be not merely covered by its award, but also made the subject of a specific contract by each employer with the United Mine Workers. The Commission said:

"In order to be entitled to such recognition, the labor organization or union must give the same recognition to the rights of the employer and of others, which it demands for itself and for its members. The worker has the right to work or to strike in conjunction with his fellows, when by so doing he does not violate a contract made by or for him. He has neither right nor license to destroy or to damage the property of the employer; neither has he any right or license to intimidate or to use violence against the man who chooses to exercise his right to work, nor to interfere with those who do not feel that the union offers the best method for adjusting grievances.

"The union must not undertake to assume, or to interfere with, the management of the business of the employer. It should strive to make membership in it so valuable as to attract all who are eligible, but in its efforts to build itself up, it must not lose sight of the fact that those who may think differently have certain rights guaranteed them by our free government. However irritating it may be to see a man enjoy benefits to the securing of which he refuses to contribute, either morally or physically, or financially, the fact that he has a right to dispose of his personal services as he chooses cannot be ignored. The non-union man assumes the whole responsibility which results from his being such, but his right and privilege of being a non-union man are sanctioned in law and morals. The rights and privileges of non-union men are as sacred to them as the rights and privileges of unionists. The contention that the majority of the employees in an industry, by voluntarily associating themselves in a union, acquire authority over those who do not so associate themselves is untenable.

"Those who voluntarily associate themselves believe that in their efforts to improve conditions they are working as much in the interest of the unorganized as in their own, and out of this grows the contention that when a non-union man works during a strike, he violates the rights and privileges of those associated in efforts to better the general condition, and in aspirations to a higher standard of living. The non-union man, who does not believe that the union can accomplish these things, insists with equal sincerity that the union destroys his efforts to secure a better standard of living and interferes with his aspirations for improvement. The fallacy of such argument lies in the use of the analogy of state government under which the minority acquiesces in the rule of the

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majority; but government is the result of organic law, within the scope of which no other government can assume authority to control the minority. In all acts of government the minority takes part, and when it is defeated the government becomes the agency of all, not simply of the majority.

"It should be remembered that the trade-union is a voluntary social organization, and, like any other organization, is subordinate to the laws of the land and cannot make rules or regulations in contravention thereof. Yet it at times seeks to set itself up as a separate and distinct governing agency, and to control those who have refused to join its ranks and to consent to its government, and to deny to them the personal liberties which are guaranteed to every citizen by the constitution and laws of the land. The analogy, therefore, is unsound and does not apply. Abraham Lincoln said 'No man is good enough to govern another man without that other's consent.' This is as true in trade-unions as elsewhere, and not until those which fail to recognize this truth abandon their attitude toward non-union men, and follow the suggestion made above—that is, to make their work and their membership so valuable and attractive that all who are eligible to membership will come under their rule—will they secure that firm and constant sympathy of the public which their general purposes seem to demand."

At the same time the Commission observed that "the present constitution of the United Mine Workers of America does not present the most inviting inducements to the operators to enter into contractual relations with it." In view of this the Commission suggested certain modifications of the Mine Workers' organization which seemed to it desirable, such as that adults alone should be allowed to vote; that it should require a two-thirds vote to order a strike, and the vote should be by ballot—not *viva voce* or by show of hands, as at present—and that the organization should be independent and not merely a part of a general organization covering as well the bituminous mines of the country—a competing industry.

It is believed that none of these modifications have been made or seriously considered. Mr. Mitchell, in his work on Organized Labor (p. 392), says:

"The findings of the Anthracite Strike Commission consist of a report and an award. The report is a more or less theoretical discussion of general principles, while the award consists of specific injunctions and specific recommendations bearing upon the anthracite struggle. I shall not discuss the report, which is in my opinion and in that of the great body of unionists, a document prepared by fair-minded and intelligent men, but showing upon the whole a lack of appreciation of some of the fundamental principles of unionism and *based upon premises which cannot be maintained.*"

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As to the suggestion that the bituminous and anthracite workers should not be united in one organization Mr. Mitchell says (p. 268):

"The organization of mine-workers must include not only all the anthracite mines of the country, but also the bituminous mines. The anthracite operators bitterly complained against the United Mine Workers of America because it was an organization which controlled the production of bituminous coal, which, they alleged as a grievance, was a competing product. A greater ignorance of the fundamental principles of trade-unionism could not well be conceived. It is *because* anthracite coal competes with bituminous that the mining of both should be controlled by one organization."

To resume, therefore: the Anthracite Strike Commission secured by its award all the results specified as those to be attained by a contract with the union, but overruled the demand that, in addition to the award which, of course, had contractual force as to the parties, there should be also an independent document in the form of a contract between the union and the various operators. At the same time it suggested certain modifications in the form of the union which might possibly make such a contract practicable. These the union has not attempted to make and its president has very clearly refused to take the action suggested by the arbitrators appointed at his suggestion. What standing, then, can the union have to renew its claim for a contract in addition to the award?

The existing conditions have, therefore, all been the result of arbitration in which both parties were represented. They have secured to the employees a rate of wages which the Commission held to be proper when the "prepared" or domestic sizes of coal sell at $4.50 per ton with an advance as the price increases, and have also provided machinery by which all grievances have been adjusted and which will be equally available for that purpose in the future.

The employers have no desire to disturb these results, which have been so painfully and expensively reached by arbitration, and are perfectly willing to continue the present arrangements indefinitely. There is no association of the employers generally, such as is attempted in the case of the employees; indeed, either one would probably incur the charge of illegality under the anti-trust acts. The Supreme Court of Massachusetts has just held that an attempt to exclude non-members of a union from em-

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ployment violates the prohibitions of monopoly, and other courts have made similar rulings. As already pointed out, everything suggested as the subject of a general contract between the employers and employees has been secured by the award. Therefore, no contract with the union is necessary for the protection of the employees; the Commission held that nothing of the sort would be admissible save on conditions which the union has failed to carry out, and any such arrangement would tend to defeat the award of the Commission and the decisions of the courts establishing the principle that employment must be open to all irrespective of membership of trade-unions or otherwise.

It is, indeed, grotesque to call such arrangements contracts, for, as Mr. Mitchell says in his work on Organized Labor (p. 227), "the union no more guarantees that any particular man will work than the employer guarantees that work will be provided for any particular man." Manifestly, there can be no contract where nobody is bound to anything. The illogical and illegal scheme of having all the labor employed in a great industry controlled by one organization and compelling all the employers to enter into contracts with that organization, rather than with their own employees, is rapidly passing away, and agreements of employment are fast reverting to their natural form of arrangements between the parties concerned.

It may be added that the anthracite coal industry has been under investigation by the Interstate Commerce Commission, unhampered by the rules of evidence (194 U. S., 25) for two years and a half, without result. Although no formal decision has yet been made by the Interstate Commerce Commission, it is not too much to say that the manifold charges which have been made with such resonance and iteration for so many years past against those engaged in the industry have collapsed under investigation.

The present state of the industry is, therefore, exceptional. All the existing conditions have been settled by arbitration to which the employees were parties, and the machinery has been successfully provided through the Conciliation Board for adjusting any future questions. The methods of transacting business have been fully investigated and have not been found objectionable in any respect. What possible ground can exist for disturbing this situation and subjecting the country to the hazard of another anthracite strike?

DAVID WILLCOX.

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THE FIGHT FOR THE CALIPHATE.

BY WALTER F. BULLOCK.

UNDER the obscure heading of "Rebellion in the Yemen," a series of brief telegrams has recently appeared in the British and American press, describing in skeleton language the exploits of Sheik Hamid Eddin, the Sovereign of Hadramaut, against the troops of the Turkish Sultan. Absorbed in the contemplation of the Far-Eastern struggle, neither the writers nor readers of the newspapers have yet found leisure to reflect upon the meaning of the movement, which the Lord of the Land of Frankincense is leading, or to observe that the apparently insignificant events in the southwestern corner of Arabia are probably fraught with epochal importance for the Mohammedan world. They have assumed, and the assumption is encouraged by the nonchalant pose of Stamboul, that the Yemen troubles are merely the result of local discontent on the part of a horde of hungry Arabs, and that, consequently, the whole affair may be relegated to the interminable category of petty revolts against the authority of the Sultan's agents. But the Government in Constantinople, though it would fain throw dust in the eyes of Europe, is itself painfully conscious of the menacing character of the challenge which has gone forth from Arabia. It is, indeed, impossible for it any longer to doubt that Hamid Eddin, the namesake of Abdul Hamid, is contesting not only the possession of Yemen, but also the spiritual supremacy of Islam. A Holy War, in fact, has started in Arabia, and upon its issue depend the fate of Mecca and the title of Caliph.

That title, and with it the Command of the Faithful, has been associated with the Turkish sovereign for nearly four centuries. In 1517, after the suppression of the Mameluke rising and the conquest of Egypt, Sultan Selim I wrested from the fainting

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hands of the descendants of the Abassides the banner of the Prophet—Sandjak-i-Cherif—which, after many migrations, had been transferred from Bagdad to Cairo. From Cairo, the Ottoman monarch conveyed the sacred symbol to the Serail in Constantinople, where it has since reposed as the outward and visible sign of the spiritual power of the Throne. So long as the might of Turkey remained intact, no serious attempt was made to dispute the right of its sovereign to the dignity of the Caliphate. But in recent years, since the weakness of the Sultanate became patent to the world, increasing numbers of zealous Moslems have favored the idea of removing the religious authority from Constantinople to Arabia. The representatives of "Young Turkey" have been especially active in the secret propagation of this idea.

On the high plateau of Hadramaut, which faces on the Arabian Sea, and amid the hills of Yemen dwell the proud descendants of the Koreishites, who held sway in Mecca before the birth of the Prophet. Always tenacious of their independence, they have at no time yielded absolutely to their successive conquerors. More than once they have caused the Sultans of Turkey to tremble for the possession of the holy cities, which are indeed kept open more by bribery than by the display of actual power. Since 1872, it is true, the Yemen has been under the nominal sovereignty of the Turks, who have established garrisons in many of its chief cities. But Hadramaut has preserved its freedom inviolate. Its inhabitants have witnessed the ruinous results of Turkish misgovernment, and have learned from their own observation, and from the information conveyed to them by Turkish refugees, of the economical progress made by Islamitic countries, such as Egypt, Herzegovina and Bosnia, under an efficient administration. The Sultan, by systematically banishing to the southern shores of the Red Sea those of his officials who are politically disaffected, has himself contributed, in no small degree, to the enlightenment of the Arabians and to the revival of their national consciousness. For those officials have eagerly sympathized with the ambitions of the Koreishites. They have assisted diligently in the effort to secure the recognition of the ruler of Hadramaut as Commander of the Faithful; and their efforts have been supported by the Ecclesiastical High School of Egypt, El Azhar, which many years ago decreed that the Sultan of Turkey had forfeited all right to the Caliphate. Now the sovereign of Hadramaut, the Sheik

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Hamid Eddin, claims to be a direct descendant of the Prophet. This the Sultan also is; but, while the family tree of the Padishah springs from the younger, or Hussein, line of Mohammed, Hamid Eddin is acknowledged by the Ulemas to derive his rights from the purer and superior Hassan line. Hamid Eddin seems to have gained the enthusiastic support of the inhabitants of the Southern half of Arabia, and to number among his allies many powerful Sheiks in the central parts of the Peninsula.

For several years, the propaganda proceeded on comparatively peaceful lines. Only occasionally was it marked by collisions with the Turkish troops. But, towards the end of 1903, the Sheik entered the northern district of the Yemen and laid siege to the Turkish garrison of Assyr. The engagement ended disastrously for the Turks. Their Governor and Military Commander and a large proportion of their troops, who numbered altogether one thousand men, were killed. Those of the Turkish soldiers who preserved their lives joined the forces of Hamid Eddin. The news of the disaster fell like a bomb in Constantinople, and arrangements were hastily made for the despatch of considerable reinforcements to the Vilayet of Yemen. It is difficult to follow in any detail the subsequent movements of the Arabian Pretender. According to Ali Nouri Bey, who enjoys exceptional sources of information, the occupation of Assyr was in the nature of a reconnaissance in force. After the battle, Hamid Eddin returned to the South. Avoiding the larger garrisons of the Turks, he captured a number of smaller towns, the inhabitants of which invariably hailed him as their Liberator, and paid homage to him as the true Caliph. For a whole year the Turks refrained from attempting any serious resistance to the Arabian movement. In February of this year, however, they succeeded in inflicting on Hamid Eddin a slight reverse, which the authorities in Constantinople, for political reasons, at once magnified into a disaster. The real truth appears to be that a small Arabian force, stationed at Menakha, a village situated between Saana, the city of many towers, and Hodeida, the chief port of the Vilayet, was compelled, after fighting for forty-eight hours, to evacuate its positions. Of these the Turks took possession, and in Constantinople it was forthwith announced that the main body of the Arabs had been dispersed. The resolution taken by the Sultan, immediately after the event, to send out twenty-two additional

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battalions to the scene of operations, showed plainly enough, however, that notwithstanding the battle of Menakha, he still regarded the situation as critical. Nor was Hamid Eddin long in avenging the blow his men had suffered. In the south of the Vilayet, where he had assembled his forces, he seized the important towns of Taiz and Kataba, thus making himself master of the lower half of the Yemen. From Kataba the caravan road from Aden to Mecca is controlled. Advancing quickly along that highway, Hamid Eddin laid siege to Saana, the capital city of Happy Yemen, which was held by a Turkish garrison of five thousand men. The city, cut off from all communication with Menakha, where considerable bodies of Turkish troops were garrisoned, sent offers of conditional capitulation to the Sheik. But Hamid Eddin, conscious of his strength, calmly demanded the absolute surrender of the stronghold. The condition of the city had already become desperate when the news of its distress reached Constantinople. Peremptory orders were despatched to Marshal Riza Pasha, who was at Hodeida organizing the Turkish reinforcements, to relieve the capital at all costs. Towards the end of March, accordingly, the Marshal left Hodeida at the head of an army, the exact composition of which, in view of the discreet taciturnity of Constantinople, it is impossible to state with confidence. What is officially admitted is that the Marshal was in command of six thousand regulars, in addition to a formidable body of Syrian reserves, which had been gradually drafted to the Yemen. The number of these reserves is estimated by Ali Nouri Bey at from twelve to fifteen thousand. The army of Marshal Riza Pasha was well equipped with artillery, including thirty quick-firing guns, and it was followed by a large train, with a liberal supply of camels. Selecting Menakha as his base, the Turkish commander advanced against the Arabs, but failed to penetrate their line of investment. He was, in fact, completely outgeneralled by Hamid Eddin, who, by a masterly flanking movement, severed his communications with Menakha, and finally encircled his army. Riza Pasha himself, with one thousand men, temporarily escaped captivity by cutting his way to Saana, which he had set out to relieve. The bulk of the Turkish troops surrendered to the Arab Sheik, with all their arms, artillery and stores; and a few days later, between the 23rd and 26th of April, Saana also was reduced to submission.

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Its capitulation impressed the Turkish Government as an event of the most sinister significance. In the early days of May, men of prominence in Constantinople might have been heard arguing that the problem of retaining possession of the European provinces was a matter of trifling importance compared with the sacred duty of restoring order in the Yemen. The Sultanate, they contended, must devote all its energies to the suppression of the Arabian movement, and abandon Macedonia rather than permit the Koreishites to extend their sway. These voices were not devoid of effect; for, though the troops in Macedonia were left intact, orders were immediately issued for the organization of a new expeditionary army, to consist of sixty battalions.

It is, to say the least, doubtful if this expeditionary force will ever reach its destination. Apart from the probability that the port of Hodeida is the next objective of the Arabs, who are now excellently armed, the difficulties of transport opposing the realization of the Turkish plans are of a most formidable nature. The Mecca railway is unfinished, and of ships there is an altogether inadequate supply. Moreover, the tone of the Turkish army is the reverse of favorable to the successful prosecution of the campaign. In the battles of April, the troops of Marshal Riza Pasha notoriously failed to do their duty.

It may be that the Albanian guards, some of whom are also proceeding to Yemen, will impart a more strenuous aspect to the struggle. But the fact cannot be blinked that many regiments show suspicious signs of a desire to shirk the orders for mobilization. While they would obey with alacrity a command to march against the Bulgarians, they are profoundly averse to fighting their Arabian brothers.

The forces of Hamid Eddin, on the other hand, are inspired by fanatical zeal. They are still distinguished by the warlike qualities which Gibbon so eloquently described in the "Decline and Fall." Now, as in the days to which the Roman historian referred, they advance to battle with the hope of victory before them, and in the rear the assurance of retreat. They are able—as the Mad Mullah has proved in another land—to "elude the search of the fleetest enemy," and at all times to "discover a safe refuge in the heart of the burning solitude, while the troops of the foe are consumed with thirst, hunger and fatigue." Add to this the circumstance that they are plentifully equipped with

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modern arms, obtained, many of them, from the vanquished army of Riza Pasha, and it will be seen that the orders, issued from Constantinople, to replace the Crescent over the Towers of Saana have but faint prospect of realization. Men who are acquainted with the origin of the Arabian movement prophesy, indeed, that, within the space of two or three months, the period appointed by the Sultan for the recapture of the lost capital, the Koreishite warriors will be seen in the streets of Hodeida. Nor is the time far distant, they think, when Hamid Eddin will be in a position to march along the great highway as far as Mecca, where it will be an easy task for him to intercept the Imperial caravan, and to guard the approaches to the Caaba against all pilgrims who may refuse to acknowledge his Caliphate.

I have indicated above that Hamid Eddin is allied with some of the Sheiks of Central Arabia. Without their cooperation, his enterprise would probably be fruitless. Of this the Sultan appears to be keenly aware. Accordingly, he is endeavoring to second the exertions of his soldiers by a judicious administration of promises and bribes. But in the choice of his agents the Caliph of Stamboul is singularly unfortunate. He has, moreover, dissipated their trust in his powers by his signal inability to fulfil his promises. Of this, the case of the Sultan of Nejd affords a typical instance. About the middle of the nineties, Ben Raschid, then an independent sovereign, appealed to the Sultan of Turkey for protection against the supposed designs of Great Britain on Koweit and its neighboring territories. Abdul Hamid invited the Sultan to visit him. This Ben Raschid did, and at Constantinople he was accorded a demonstrative welcome. When he returned to his dominions he was accompanied by a Turkish escort, which remained in Nejd as a substantial pledge of Turkish suzerainty. But the Turkish agents grossly neglected the political interests of the Sultanate. The Sheik of Koweit refused to acknowledge the suzerain powers of Nejd, and in deliberate disobedience to the wishes of Constantinople entered into relations of the closest friendship with Great Britain. Among the inhabitants of Nejd, which is the most populous state in Arabia, the most profound discontent prevailed against the Turcophil policy of their ruler. Internal troubles soon added to the embarrassments of Ben Raschid. The leader of the Wahabites, Ben Said, acting, it is believed, with the connivance of Hamid Eddin, profited by these

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embarrassments to attack Nejd. He gained an easy victory over Ben Raschid and conquered the cities of Oneisa and El-Bereida. Ben Raschid at once demanded increased assistance from Constantinople; but the help he thus received was altogether inadequate. The troops of the Sultan were again defeated, and Ben Raschid, who was himself wounded, was compelled to fly for refuge to Hail. Since then, Ben Said has given abundant evidences of his power. He is said to have cooperated with Hamid Eddin at Assyr, and to be preparing to support that ruler in his march on Mecca and Medina. The knell of Turkish dominion and influence in Arabia will be sounded on the day when the leaders of the Koreishites and Wahabites gain control of the treasures and relics of the sacred cities.

It is, perhaps, natural that the Turkish Government should attribute its troubles to a wrong cause. Instead of seeking the origin of the Arabian movement in its own weakness and in the corruption of its agents, who have terribly abused their authority, it now accuses Great Britain of being the author of its misfortunes. It asserts that Great Britain is weaving a vast web of intrigue against the spiritual power of the Sultan-Caliph, with the object of transferring the Caliphate to the Khedive of Egypt, who would exercise its functions and influence in accordance with British designs. To this end, British agents, they assert, have fomented the Arabian rebellion, by supplying the Koreishites with arms from Aden, and by encouraging the Sheik of Koweit and Ben Said to work for the foundation of an independent Central Arabian Kingdom. The anti-British cry has been vigorously reechoed in the German press, which is oppressed with the nightmare of a British occupation of Koweit and Basra—the future termini of the Bagdad Railway—and of an independent Arabian Power threatening the security of that railway. Grave remonstrances have, accordingly, been addressed by various writers to Great Britain, which is alleged to be playing with the fire of Mohammedan fanaticism. The chief authority for these assertions is Mustafa Kamel Pasha, who is described in Germany as an "Egyptian patriot," distinguished by unusual insight and knowledge. Moslems, says this zealous Pasha, have long been aware that it is the ambition of Great Britain to realize the dream of the first Napoleon, "*en mettant la main sur le Chalifat et ayant la domination morale de tous les Musulmans.*" But the

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Khedive, he sententiously adds, will never consent to be the tool of Great Britain. On the contrary, his sympathies in this matter are with his people, who, in common with all true Moslems, are furiously indignant at the "traitorous" action of the Arabs. A characteristic Teutonic vision has arisen out of the words of Mustafa Kamel Pasha, who is depicted as foreshadowing a pan-Islamitic rising of terrible portent against British influence in India and Egypt. Unfortunately for the German visionaries, Mustafa Kamel Pasha is the reverse of a reliable witness. As the spokesman of the Turkish Caliph, it is perhaps his duty to misrepresent the facts of the situation, which is in reality governed very largely from Egypt. But, far from exciting the indignation of the subjects of the Khedive, the Arabian movement, as he probably knows, has derived from them a considerable share of its inspiration. I have even heard it suggested that an illustrious Egyptian Princess is personally responsible for its inception, and that not long ago the Khedive, on her advice, signified his readiness to accept the dignity of the Caliphate at the hands of Hamid Eddin. The scheme was upset, however, for obvious reasons, by the British Government. It was, too, the material progress made by Egypt, under an honest administration, that first opened the eyes of the Arabs to the misery of the Turkish rule. From Egypt they derived the conviction that Islam is not necessarily synonymous with backwardness in the arts and sciences of civilization. And Egypt, moreover, through the pronouncements of its High Schools and Ulemas, furnished the legal foundation of their claim to the Caliphate. Great Britain has in no sense encouraged the Arabian pretensions; but, on the other hand, she most assuredly has not discouraged them. Why, indeed, should she? Since the Russo-Turkish war, the religious influence of the Sultan has been uniformly exerted for the benefit of Russia against Great Britain. The destruction of that influence, therefore, disastrous as might be its consequences for Turkey, will be no loss to Great Britain, which, after the proclamation of the Arabian Caliphate, may not inconceivably be asked to guarantee the existence of an independent kingdom, embracing the central and southern portions of the peninsula.

By acceding to this request, Great Britain would enormously increase her moral influence in the Mohammedan world.

WALTER F. BULLOCK.

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THE UNITED STATES AND RUSSIA: THEIR HISTORICAL RELATIONS.

BY OSCAR S. STRAUS, MEMBER OF THE PERMANENT COURT OF ARBITRATION AT THE HAGUE.

NAPOLEON said: "History is a fiction agreed upon." This definition is more applicable to diplomatic history than to any branch of the science, for the reason that diplomacy has so many undercurrents whose sources are concealed from the public eye. It is, doubtless, due to the Machiavellian spirit which guided the diplomacy of nations for so many years that, even in the most authoritative histories, we so often find the accounts of diplomatic relations given, not as they were, but as the adroit schemers intended they should appear.

The Kishineff massacres which took place in April, 1903, caused a mighty storm of protest to arise in this country. These protests, voiced by pulpit, press and mass meetings, were resented by the Russian Ambassador at Washington and by the official classes in St. Petersburg, on the plea that the United States was under repeated obligations of gratitude to Russia because of her "traditional friendship" for us, from the very beginning of our national history until the present time. Many articles appeared in the daily papers referring to this "traditional friendship," and urging that the American public should at least refrain from siding with the enemies of Russia, however appalling might be the rule of the Russian bureaucracy. An article appeared in the leading Russian paper of St. Petersburg, the "*Novoe Vremya*," headed "Russia in America," as follows:

"The United States from time to time enters the arena of anti-Russian propaganda which finds favorable soil in its politically unripe population, without government traditions, and carried away by the successes of its new imperialistic policy. The Siberian prisons, the

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Manchurian open door, the Kishineff disorders—all of these serve as pretexts for the anti-Russian meetings so advantageous to Russia's enemies, while Secretary Hay's stubborn Anglophilism lends governmental importance to the claims of the various groups of American traders and missionaries in the Far East . . . The Russian Foreign Office should publish in English a sketch of the relations between the Russian and American governments, beginning with the time of Catharine and ending with the Spanish-American war."

When the Monarch was the State, and when the Monarch's attachments, antagonisms or desire for revenge were the controlling factors in international relations, the ruler's commands were supreme, and the national conscience had to bend to his will. But, even if the traditional Russian claim upon the gratitude of the United States were well founded, the enlightened spirit of our age could not recognize that as a plea in bar against our condemnation of shocking wrongs, or against our withholding our sympathies for the oppressed.

International relations among modern States are primarily based, not upon sentiment or gratitude, but upon self-interests, modified more or less by a sense of justice and right. However, we are not here concerned with speculations, but with historical facts. Let us see what these facts are.

CATHARINE II AND THE AMERICAN REVOLUTION.

Under Catharine II, a scheme was formed in 1779, when we were in the most trying period of our Revolution, for Russia's giving George III effective assistance against us, on condition that the English should aid Russia in renewed attacks upon the Turks. A part of this programme was, that the Island of Minorca was to be ceded by England to Russia as a station for the Russian fleet in the Mediterranean, and as a rendezvous for the insurgent Greeks. This project was drawn up by Catharine's chief adviser, Count Potemkin, for presentation to the British Ambassador at St. Petersburg; but, through the adroitness of Count Panin, Catharine's Minister for Foreign Affairs, who favored the French interest as against the English, the scheme fell through, thereby causing the Empress to adopt the anti-British policy of armed neutrality. The nature of Russia's friendship for us at this period, when we were most in need of the friendly offices of foreign nations, is disclosed by Benjamin Franklin, who was then in Paris as one of our Commissioners to negotiate peace with

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Great Britain. He describes with what friendly satisfaction Russia had learned of the recognition of our independence by the States General of Holland. I quote from his journal:*

"This day" (June 9, 1782), "I received a letter from Mr. Dana dated at St. Petersburg, April 29th, in which is the following passage: 'We yesterday received the news that the States General, on the 19th of this month, acknowledged the independence of the United States. This event gave a shock here, and is not well received, as they at least professed to have flattered themselves that mediation would have prevented it, and otherwise brought on a partial peace between Britain and Holland.'"

Mr. Francis Dana, afterwards Chief Justice of Massachusetts, was at this time our accredited Minister to Russia. He remained there about two years asking to be recognized; but Russia refused to receive him or to recognize the independence of our country, and this, too, although nine months before the preliminaries of peace had been signed. At last Dana, in September, 1783, being unsuccessful in his efforts to secure recognition, or to have Russia recognize the independence of our country, obtained permission from Congress to return home.

Some years ago, when Eugene Schuyler was Secretary of Legation at St. Petersburg, he made some investigation for George Bancroft, the historian, and copied and translated some of the diplomatic correspondence under the reign of Catharine II.† At this time Count Osterman was Vice-Chancellor, and Prince Demetri Galitzen was Russian Ambassador at the Hague. Information reached St. Petersburg from the Russian Ambassador that Mr. Adams had been received as United States Minister. The Vice-Chancellor writes to the Ambassador (May 6, 1782):

"Now that their High Mightinesses have proceeded to the formal recognition of Mr. Adams as Minister Plenipotentiary from the United States, I must instruct you that Her Imperial Highness does not wish any demonstration on your part that can lead to the presumption that she approves of this step. You must then abstain from receiving or paying visits either to Mr. Adams, or to any other person accredited from the Colonies which are separating from Great Britain."

As a further evidence of Catharine's feeling towards America, I will cite the following: About this time a portrait of Wash-

* Franklin's Works, edited by Bigelow, vol. 8, p. 89.

† See Bancroft papers, America, Russia and England, vol. 2, Lenox Library.

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ington was sent from the Hague in the Russian despatch-bag to Francis Dana, who was then at St. Petersburg, doubtless as a courtesy to Mr. Adams. On the receipt of the bag at the Russian Foreign Office, Count Osterman returned the portrait to Prince Galitzen, the Ambassador at The Hague, with a sharp letter in which he says: "With your despatch came a portrait of Washington to be delivered to one Dana, an American gentleman here, but as this man is not known to Her Imperial Majesty or Her ministry, you are commanded by Her Majesty to return it to the source from which it reached the courier, together with documents accompanying it."

From the same source we learn that, on May 15th, 1780, Sir James Harris, British Ambassador at St. Petersburg, writing to Viscount Stormont, the British Secretary of State, after referring to an interview he had with Prince Potemkin, stated that the Prince suggested that the Secretary of State should ask the Empress to mediate between Great Britain and her enemies, and to acquaint her "with the terms on which you wish for an accommodation for America . . . and you may depend not only on her not betraying you, but be almost certain that she will begin by being your mediator, and, if she does not succeed, end by being your ally."* This throws a direct light upon the motives underlying Catharine's desire to become a mediator which has been made much of even by some American historians. John Fiske, in his "American Revolution," says:

"At the beginning of 1778, Sir James Harris, afterwards Earl of Malmesbury, was sent as Ambassador to St. Petersburg, with instructions to leave no stone unturned to secure an offensive and defensive alliance between Russia and Great Britain, in order to offset and neutralize the alliance between France and the United States. Negotiations to this end were kept up as long as the war lasted, but they proved fruitless. While Catharine coquetted and temporized, the Prussian Ambassador had her ear. . . . The weight of France was, of course, thrown into the same scale, and for four years the Russian Court was the scene of brisk and multifarious intrigues. . . . From Prince Potemkin, one of Catharine's lovers, whose favor Harris courted, he learned that nothing short of the cession of Minorca would induce the Empress to enter into this desired alliance. Russia was already taking advantage of the situation to overrun and annex the Crimea; and the maritime outlook, thus acquired, made her eager to secure some naval station on the Mediterranean. Minorca was England's to give. . . . It was not, however, until

* Bancroft papers, vol. 2.

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1781 that the offer of Minorca was made, and then Catharine had so far acceded to the general combination against England that she could not but refuse it."*

Before this time, in 1776, as there were very close relations existing between Great Britain and Russia, it was very much feared that Great Britain would be able to draw troops from Russia to serve against the Colonies. That there was ground for this fear is evidenced by a resolution, passed by the Continental Congress (December 30th, 1776), instructing our commissioners in Europe to guard against this contingency. The resolution is as follows:

"That the commissioners be respectively directed to use every means in their power . . . for preventing German, Russian and other foreign troops from being sent to America for hostile purposes."†

General Sir William Howe wrote from New York (November 30th, 1776) to Lord George Germain that a reinforcement of 15,000 troops was needed, "which I hope may be had from Russia, or from Hanover, or from other German States."‡

Theodore Lyman, the best of our early writers on our diplomacy, says in reference to Dana's mission at St. Petersburg, and the refusal of the Empress to recognize him, that the conditions upon which she undertook to receive Dana were more severe than England herself exacted:

"They amounted to this: 'Strike off seven years of your independence; confess that you owe your independence to the English acknowledgment; annul all acts of sovereignty prior to that time—all Commissioners and Ministers—treaties with France and Holland; and then you will be in a condition to present yourself at the Court of St. Petersburg.'"§

The Continental Congress, in sending Dana to St. Petersburg, hoped to enter into the armed neutrality which Russia was organizing; but, as Dana was absolutely ignored, Congress, in May, 1783, adopted a resolution to the effect that, though it ap-

* John Fiske, "The American Revolution," New York, 1897, vol. 2, p. 143. W. Eton, in "A Survey of the Turkish Empire" (London, 1798), says: "The Empress, and particularly Potemkin, were very anxious to obtain from His Majesty a cession of the Island of Minorca, which was intended as a station for her fleet, and a rendezvous for the Greeks," p. 423.

See also Diaries and Correspondence of Sir James Harris, First Earl of Malmesbury, vol. 1, pp. 345, 359, 363, etc.

† American Archives, fourth series, vol. 3, p. 1617.

‡ *Id.*, p. 926.

§ "Diplomacy of the United States," by Theodore Lyman, Jr., vol. 1,

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proved the principles of armed neutrality founded on the liberal basis of a maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling at this juncture to become a party to a Confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe. This resolution is in reality the foundation of the policy which has controlled the foreign relations of the United States, and it was subsequently formulated by Washington in the language so familiar to American ears, "Friendly relations with all, entangling alliances with none." As Lyman says, this is the only instance in the history of the country in which the United States volunteered, themselves, to become a party to a league of sovereigns in Europe. While the principles adopted by the Northern Confederacy were exceedingly grateful to the American government, and a proposal to join it was considered an effectual mode of hastening the acknowledgment of independence, in reality it was fortunate that Dana did not succeed in his mission. Francis Wharton, the editor of the "Diplomatic Revolutionary Correspondence," concludes: "That Catharine was resolutely averse to the American cause until after the definitive peace, there is now no question."*

THE WAR OF 1812.

Reference is frequently made to the Russian offer of mediation in 1813 to procure a peace between the United States and Great Britain, and this incident is cited as a proof of Russia's friendly interest in the welfare of our country. It must be remembered, however, that at that time she was closely leagued with England in the sixth celebrated coalition against France. The trade of the Baltic was greatly embarrassed, and the Russian Emperor looked upon this war with great regret as opposing the commercial prosperity of the Russian nation.

M. de Daschkoff, the Russian Minister, said:

"The peace of Russia with England seemed to present this immense advantage to the commerce of nearly all seafaring people, that it freed their relations from that constraint, from that continual vexation to which it had been subjected for many years without interruption."†

* See "Revolutionary Diplomatic Correspondence of the United States," edited, under the direction of Congress, by Francis Wharton (Government Printing-Office), vol. 6, pp. 213, 425; vol. 1, p. 265, etc.

† Lyman's Diplomacy, vol. 1, p. 436.

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The mediation was declined by Great Britain. Russia was at that time in alliance with England, her interests were to do all in her power to bring about peace for the benefit of her commerce. In view of these facts, it can hardly be claimed that she was actuated by the spirit of friendship for the United States in her desire to become mediator. On the contrary, the real explanation of her friendly interest lies in the fact that, Alexander being at that time in alliance with England to counteract the power of Napoleon and fearing an attack from him, Russia naturally desired that her ally, England, should be freed as speedily as possible from the American war, so that she might give her aid to Russia in repelling Napoleon. This view of Russia's interest was confirmed by Robert Goodloe Harper, United States Senator from Maryland, in his speech in Philadelphia in 1813. He said:

"England and Russia therefore stood alone. England could spare nothing for the direct assistance of Russia except the cooperation of a fleet in the Baltic. Such was the situation of Europe about the moment of attack; and the war which, at the same moment, was declared by the United States against England was so timed, whatever might have been the intention of the authors, as to have the effect of direct and not inconsiderable cooperation with France. . . . This was a great loss to Russia."*

RUSSIA AND THE CIVIL WAR.

Frequent reference is made to Russia's friendly attitude to us during the Civil War, and to her sending several war-ships to the Atlantic and to the Pacific with "Sealed Instructions." Much has been made of this, but, even if such instructions existed, is there any basis for the conclusion that they were for any other purpose than to offset England—in other words, that her actions towards us, even during the Civil War, were but moves made by her upon the chessboard of European diplomacy?

A recent writer, referring to this, says that Prince Gortchakoff, the Chancellor of the Empire, had demanded from the Signatory Powers of the Treaty of Paris (1856) the abrogation of the clause of the Treaty which prohibited Russia from maintaining an armed navy in the Black Sea. England and France strongly opposed this. The Chancellor, in reply, sent what came very near to being an ultimatum, and, fearing that this act

* Harper's Speech. Pamphlet—Commemoration of Russian Victories (Philadelphia, 1813).

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would be followed by hostilities, despatched a portion of his fleet into neutral waters, so that it would not be bottled up for destruction, as had once been the case when Russia's fleet was in the harbor of Sebastopol. This same writer states that Russia at that time was without an ally in Europe, that Nihilism was rampant, that the nobility was secretly plotting against the life and throne of the Tsar, and that the fleet was sent to the American waters for its own protection, and not for the benefit of the United States.* Be that as it may, why was the knowledge of the existence of such instructions kept from our Government, and why do not the records disclose, as would be natural under such circumstances, what those mysterious "Sealed Instructions" were, and what purpose the ships were to serve? That Russia was our friend during the Civil War, in the same way as almost all other European Powers were our friends, is entirely true. Turkey was among the first of the Powers to show positive friendship for us during the Civil War. She interdicted pirates in the service of the Confederacy from making depredations upon the commerce of our country in the ports of the Turkish Empire. This was recognized by Secretary Seward in his despatch to E. Joy Morris, then our Minister to Turkey; on June 2nd, 1862, he wrote:

"The President received with profound satisfaction the decree of His Majesty the Sultan interdicting the entrance of pirates engaged in depredating upon our commerce in the ports of Turkey. . . . Nor is the proceeding any the less entitled to our grateful acknowledgments because the piratical operations of the insurgents, such as they have been, have already been brought to an end. It will, on the contrary, be to the honor of the Sultan that he took the lead in conceding to the United States rights which it is now expected will soon be conceded by all the other maritime Powers . . . The Turkish Government has been singularly just and liberal towards us in this emergency."

That the Russian squadron came here in 1863 on a mission to aid the United States is both an afterthought and a myth. If the squadron had come here upon any such mission, would not our Government have placed on record its acknowledgment for this great act of friendship? On the contrary, Russia was very profuse in the expression of her thanks to us for the hospitable reception given to the fleet and its officers.

Cassius M. Clay, our Minister to St. Petersburg, in his despatch

* Pamphlet—"A Brief Review of Russia's Relations with America," by a Russian-American Diplomat (Washington, 1903).

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to Secretary Seward of November 8th, 1863, said that His Majesty the Emperor was "now absent, but no doubt he would on his return make suitable acknowledgments to our Government of the amicable reception of his subjects at New York": that the Russian officers had "always been gratified to meet those of the American Navy, and they should be most happy, should any ships of war visit Cronstadt, to reciprocate the late courtesies extended to their countrymen."

When the Russian fleet arrived, Gideon Welles, the Secretary of the Navy, wrote to Mr. Stoeckl, the Russian Minister at Washington, a letter which shows that the visit was one of courtesy only:

NAVY DEPARTMENT, *September 23rd, 1863.*

"The Department is much gratified to learn that a squadron of Russian war-vessels is at present off the harbor of New York, with the intention, it is supposed, of visiting that city. The presence in our waters of a squadron belonging to His Imperial Majesty's navy cannot but be a source of pleasure and happiness to our countrymen [*sic*]. I beg that you will make known to the Admiral in command that the facilities of the Brooklyn Navy-yard are at his disposal for any repairs that the vessels of his squadron may need, and that any other required assistance will be gladly extended.

"I avail myself of this occasion to extend through you to the officers of His Majesty's squadron a cordial invitation to visit the Navy-yard. I do not hesitate to say that it will give Rear-Admiral Paulding very great pleasure to show them the vessels and other objects of interest at the Naval station under his command."*

After our Minister met the Emperor, he again reported to Mr. Seward, on August 22nd, 1864, as follows:

"His Majesty told me that he had allowed his officers lately in the United States to call upon me *en masse*, and express their gratitude for the courtesies extended to them in America, all of which was evidently as a national compliment."

France endeavored to bring about a joint mediation, and invited Russia and England to unite with her in the attempt, and Russia refused; but that refusal was given after, and not before, England had refused. Bayard Taylor, who was acting as Chargé at St. Petersburg, in a despatch, dated November 15th, 1862, to Secretary Seward, confirms this. He wrote:

"While I infer from the above that Russia would, to a certain extent, be inclined to take part in a movement which she foresaw to be inevitable

* This letter from the files of the Navy Department was published in the New York "Evening Post," April 18th, 1904.

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on the part of England and France, rather than permit a coalition between these two Powers from which she should be wholly excluded, the probable refusal of the English Government, announced to-day by telegraph, relieves me from all apprehension of complications that might arise from the proposition. I stated to Prince Gortchakoff, at our recent interview, my belief that England would not accede, and am very glad to find it so soon confirmed."

Further corroboration of this view is contained in a later despatch from Mr. Taylor to Secretary Seward, under date of December 17th, 1862, in which he said:

"Mr. Adams having communicated, in answer to my confidential letter, an encouraging statement of the present attitude of England, I took occasion, in an interview which I had with Prince Gortchakoff last week, to read him some portions of it. This led to a renewed conversation upon American affairs, and it was very soon evident to me that the anxiety which His Excellency had manifested on previous occasions was beginning to subside. He still inquired whether some arrangement with the insurgents which would put an end to the war was not possible."

Henry Clews, in an article in this REVIEW in 1904, published a letter to him from Mr. Gladstone touching upon the attitude of the English Cabinet during our Civil War, which completely refutes the claim that England would have intervened in favor of the Confederacy but for the friendship of Russia towards us. The letter bears date May 30th, 1889, and is as follows:

"As a member of it [the English Cabinet], and now nearly its sole surviving member, I can state it never at any time dealt with the subject of recognizing the Southern States in your great Civil War, except when it learned the proposition of the Emperor Napoleon III, and declined to entertain that proposition without qualification, hesitation, delay, or dissent. In the debate which took place on Mr. Roebuck's proposal for that negotiation, Lord Russell took no part, and could take none, as he was a member of the House of Lords. I spoke for the Cabinet. You will, I am sure, be glad to learn that there is no foundation for a charge which, had it been true, might have aided in keeping alive angry sentiments happily gone by."

THE FRIENDSHIP OF THE UNITED STATES FOR RUSSIA DURING THE POLISH INSURRECTION.

But there is another side to this story, which, to use a common phrase, puts the boot on the other leg.

In the beginning of 1863, affairs in Russia were in a very precarious state. An insurrection in Poland had broken out to such a degree that considerable agitation was felt in all Europe. The

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French Minister of Foreign Affairs invited Great Britain, and subsequently the United States, to join with France in bringing about the cessation of hostilities.

In accordance with our policy of strict neutrality and of not mixing with the affairs of European States, Mr. Seward gave a courteous declination to this invitation. This declination produced such satisfaction in Russia that Prince Gortchakoff published his reply to our Minister in the Russian press. I will quote a few passages therefrom:

"May 22nd, 1863—I lost no time in laying before the Emperor, my august master, the despatch which you have communicated to me by order of your Government, and which contains the answer of Mr. Seward to Mr. Dayton, relative to the recent application of the French Government upon the subject of events in the Kingdom of Poland. His Majesty the Emperor has been sensibly moved by the sentiments of confidence which the Government of the United States places in his views and designs in regard to the general well-being of his Empire. Such manifestations must strengthen the bonds of mutual sympathy which unite the two countries, and constitute a consummation which too much accords with the aspirations of the Emperor His Majesty not to look upon it with pleasure."

The insurrection in Poland at that time was occupying much more of the attention of the Cabinets of Europe, including Russia, than our Civil War. Our Minister in Paris, Mr. Dayton, in his despatch to Mr. Seward of February 23rd, 1863, reports:

"The insurrection of Poland has driven American affairs out of view for the moment. A disturbance on the Continent, especially in Central Europe, is so near at hand, and touches the interests of so many of the crowned heads of these countries, that distant events fall out of sight until these more immediate troubles are settled."

Minister Clay, in his despatch of November 8th, 1863, says:

"The Russian reception in American waters is the subject of conversation in all circles; and the gentry and the common people seem alike to understand and feel the friendly demonstration made at this time, when France, England and Austria are attempting, under the pretence of national justice, to put them under the ban of Christendom for defending the integrity of their Empire."*

THE ALASKAN PURCHASE.

It has frequently been claimed by Russia that her sale to us of Alaska was made out of friendship for this country. That is another myth.

* Foreign Relations, 1863, MS. Archives, Department of State.

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Charles Sumner, who was chairman of the Committee on Foreign Affairs in the Senate when the Alaska treaty came up for ratification, in his great speech in support of the treaty, under the heading "Reasons for Cession by Russia," said:

"Turning from the question of title which time and testimony have already settled, I meet the inquiry, Why does Russia part with possessions associated with the reign of her greatest ruler and filling an important chapter of geographical history? Here I am without information not open to others.

"But I do not forget that the First Napoleon, in parting with Louisiana, was controlled by three several considerations. First, he needed the purchase-money for his treasury. Secondly, he was unwilling to leave this distant unguarded territory a prey to Great Britain, in the event of hostilities, which seemed at hand. And, thirdly, he was glad, according to his own remarkable language, 'to establish forever the power of the United States, and give to England a maritime rival that would sooner or later humble her pride.'

"Such is the record of history. Perhaps a similar record may be made hereafter with regard to the present cession. There is reason to imagine that Russia, with all her great empire, is financially poor, so that these few millions may not be unimportant to her. . . . It will be for her advantage not to hold outlying possessions from which thus far she has obtained no income commensurate with the possible expense for her protection."

Sumner, the statesman and the author of "Prophetic Voices Concerning America," was certainly correct and almost prophetic in this instance, for, with the acquisition of Alaska, the United States did undoubtedly purchase serious and threatening boundary and fishery complications with Great Britain, which were only recently happily settled by arbitration.

RUSSIA AND THE MONROE DOCTRINE.

It will be remembered that Russia was the dominant Power in the so-called "Holy Alliance," whose purpose was to suppress all forms of popular uprisings, to crush the spirit of liberty in the Central and South American Republics, and ultimately, as a logical consequence, to dominate a large part, if not the whole, of the American Continent.

Russia's relations to the Monroe Doctrine were not confined to her primacy in the "Holy Alliance." In the autumn of 1818, J. B. Provost, the American Commissioner who had been sent out by the President to receive the formal delivery of Astoria, stopped

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on his return at the port of Monterey, in California, and while there prepared the report of his mission. In this report he informed the President of an incident he regarded as most serious—which was that, until 1816, the Russians had no settlement south of the fifty-fifth degree. But in that year, very probably because of Humboldt's glowing description of that region, she had established two colonies, one at Atooi in the Sandwich Islands, and the other on the coast of California, a few leagues from San Francisco.

In February, 1822, the Russian Minister at Washington, Chevalier Pierre de Politica, placed in the hands of the Secretary of State an edict of the Emperor Alexander to the effect that all rights of commerce, industry and fishing on the Northwest coast of America, from Behring Straits to the fifty-first degree, were exclusively granted to Russian subjects. Foreign vessels were, therefore, not only not to land on the coast and islands, but not even to come within one hundred Italian miles. The subject was renewed by Politica's successor, Baron de Tuyl; and, one day in July, 1823, when he called at the State Department, Adams announced to him "that we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any European colonial establishments."

According to McMaster, from whose excellent chapter on the Monroe Doctrine I have drawn largely in this statement, when the time came for Monroe to write his annual message to Congress, there were three distinct matters that required the President's serious attention: "the attempt of Russia to colonize in California and her selection of the fifty-first degree of north latitude as the southern boundary of Alaska; the threatened intervention of the Holy Alliance in the affairs of South-American Republics; and the proposition of Canning for a joint declaration against them."* The Cabinet held meeting after meeting to discuss these matters; they had before them the opinions of the two living ex-Presidents, Jefferson and Madison. What was done Adams himself best describes:

"I remarked that the communications recently received from the Russian Minister, Baron de Tuyl, afforded, I thought, a very suitable

* "With the Fathers," by John Bach McMaster, pp. 1-54.

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and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time to decline the overture of Great Britain. It would be more candid, as well as more dignified, to avow our principles explicitly to Russia and France, than to come in as a cockboat in the wake of the British man-of-war. This idea was acquiesced in on all sides."

It follows as a conclusion that such reasons for gratitude as we may have to Russia are not for her friendly, but for her hostile, attitude towards us, in that these important incidents were mainly the cause of our formulating and announcing to the world our far-seeing continental policy.

CONCLUSION.

I have endeavored to present briefly the results of a careful examination of all accessible authentic and reliable data bearing upon the relations of the two countries, from the reign of Empress Catharine II to the present time. The inferences and conclusions from these facts are clear, that, with the exception of Russia's hostile or unfriendly attitude during the earlier years of our history, when the United States was struggling for recognition as an independent nation, and the "Holy Alliance" incident, the relations between Russia and the United States have been uniformly normal and friendly; each nation, as against the other, on all occasions and during periods of war, has strictly observed its neutral obligations, as was incumbent upon it under the laws of nations between friendly Powers. To infer that the United States is under obligations of gratitude to Russia for any special acts of friendship shown, other than such as the laws of neutrality have imposed, is to substitute a myth and the fulsome language of ceremonial functions for historical facts.

OSCAR S. STRAUS.

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THE FUTURE OF CRETE.

BY H. N. BRAILSFORD.

In the early spring of 1898, a year after the Greco-Turkish war, I was sitting under the orange-trees outside a wayside inn near a remote mountain village in Crete. The graybeards of the place formed a circle, eager to question the stranger who had come from the mysterious world where consuls and admirals were deciding the destinies of the island. A young doctor, educated in Athens, the only member of the group who wore European clothes, sat at the right hand of the handsome old captain of the local insurgents, while the rank and file, respectful, silent and well-disciplined, listened at a distance. There was much to discuss and much to explain. The crisis was now dallying through its second year. The war-ships of the European Powers still patrolled the coast, causing not a little suffering by their strict blockade. Greece was defeated, passive and impotent. It remained for the Concert to speak the decisive word. I had some definite news to give. The Powers had at last made up their minds to grant autonomy. They would not permit the union of Crete with Greece, but they would concede self-government and reduce the Sultan's authority to a name and a shadow. The doctor alone seemed pleased; and, in the awkward pause which followed, one of the patriarchs began whispering to him. "What is this thing 'autonomy'?" asked the peasant. "Oh!" answered the doctor, "it's a very good arrangement, though it isn't union. It means that, instead of sending our taxes to Athens, we shall spend them ourselves." But still the old man looked sullen and worried. Suddenly an idea struck him, and with an inimitable smile of peasant cunning, he exclaimed, "We'll find some way of sending our taxes to Athens secretly!"

In that quaint answer, with its magnificent stupidity, its brain-

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less idealism, lies the whole Cretan question. Europe has to deal with a gallant and obstinate peasant race, in whose minds this fixed idea of union with Greece has become an ineradicable passion. It is not so much a policy as an instinct. It is not an interested suggestion fostered by Athenian statesmen on behalf of Greece; still less is it a conception which the educated Cretans have forced upon the masses. Its hottest partisans are the simplest mountaineers. It rests on no process of reasoning or calculation. Every Cretan knows that Greece is ruined financially and politically, her administration faction-ridden, her army worthless and her future compromised. He knows that, in accepting her flag, he would have to submit to conscription and to a heavy burden of taxation. But, with the reckless exaltation of his race, he makes light of these drawbacks. It is at once the strength and the weakness of the Greek that he abandons himself without reserve to any ideal which claims his allegiance. There is nothing which even the least instructed Cretan would refuse to sacrifice to "Hellenism," and Hellenism demands the union of the Greek race under the Greek crown. The population of Crete is, perhaps, the purest Greek stock to be found in the Levant, and it cherishes a superb tradition of patriotism. It preserved its language, its literature and its manhood, while the rest of the Greek world lay passive beneath the Turkish yoke. It took a splendid part in the War of Independence. Given over by Europe first to Egyptian and then to Turkish rule, it protested in a bloody series of revolts, which renewed themselves with obstinate regularity throughout the last century at intervals of a decade. Its whole life of effort and hope for three generations has centred in this dream of union; and, after braving massacre, repression and devastation in a secular defiance of its Mohammedan oppressors, it cannot bring itself to-day to acquiesce, half-liberated, half-satisfied, in the languid veto of Christian Europe.

To understand why the Cretans are once more defying Europe behind the rampart of their mountains, we must trace in brief the history of the seven years which have elapsed since the Turkish troops were expelled from the island. The provisional régime which was inaugurated at the close of 1898, with Prince George of Greece as High Commissioner with a mandate from Europe, began with bright hopes and brilliant auguries. Nothing remained of Turkish authority save a single crescent ensign floating

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on a rock in Suda Bay. Prince George was a Greek, by education if not by blood, popular because of the sea-breeze which he brought with him, and respected by these simple mountaineers for his superb physique. Greek became henceforward the official language; the legal code was modelled on that of the Hellenic kingdom; even the flag was composed of the beloved colors. The whole island draped itself in white and blue, determined to be thoroughly Greek, though it could not be a part of Greece. Its mood, moreover, was hopeful yet moderate; and a certain diffidence and conservatism chastened the confidence with which it welcomed the future. The peasants came in a passion of enthusiasm for peace, storming down from their villages, to surrender their rifles at the Canea arsenal. As they surged under the great Venetian gates, they scratched a cross upon them to signify that the reign of the infidel tyrant was ended. They had no longer a right to win or an enemy to oppose, and they disarmed to prove their perfect confidence in their new ruler. Their leaders, meanwhile, were translating that confidence into a deplorably autocratic constitution. They distrusted themselves; they knew their own tendency to faction and feud; they had studied the unhappy failure of unchecked democracy in Greece itself. "Europe," said a splendid veteran of four revolts in my hearing, "has put a fiddle in our hands, and we do not know how to hold the bow." And somewhat too simply they gave the bow to Prince George. The constitution made him an autocrat. His ministers are mere secretaries appointed by him and responsible only to him. The representative chamber, which meets only once in two years, is only three parts elective, while the other members are nominated by the Prince. Its functions, moreover, are merely deliberative, and it can exercise no real check upon either the Prince or his ministers. The whole official hierarchy of the island depends directly on the Prince, who can appoint or dismiss at his pleasure. It was a tremendous power to confer upon a young and untried man, whose only administrative experience had been gained in commanding a flotilla of torpedo-boats. He came with no great name for wisdom—he was said to be a commonplace devotee of commonplace pleasures; and the business of ruling a little island where there is no "society," and where even the leaders of local opinion delight to wear their picturesque peasant costume, very soon began to pall upon him. Prince

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George began to compare himself to Napoleon on St. Helena and Dreyfus on the Devil's Isle. The result was that the real business of governing fell into the hands of his Greek secretary, and the Cretans began to complain that they were being exploited for the benefit of this gentleman's personal friends, strangers from Athens, who neither knew nor loved the islanders. It may have been necessary to import a certain number of experts, but these highly paid Greek functionaries were, unhappily, as incompetent as they were unpopular. The Cretans have an intense enthusiasm for "Hellenism" in the abstract, and desire a union with Greece; but they have no exaggerated respect for the Greeks of the mainland, who are, as far as my observation goes, morally and physically their inferiors. Indeed, I often used to suspect that the true Cretan, in his secret mind, imagines that union means the annexation of Greece to Crete.

It was true, no doubt, that Crete had obtained autonomy, and that the Sultan retained no vestige of power over its internal affairs. But, economically, it was still tied to the bankrupt Ottoman system. The Turk is not the only tax-gatherer in the Levant. The European bondholder, who has a mortgage over so many of the best sources of revenue in the Turkish Empire, has to be reckoned with, even after the Porte has been eliminated. His shadow darkens Cyprus, despite the English annexation; and his presence is still felt in Crete. The Turkish tariff is regulated by international treaties, while certain taxes, surtaxes and monopolies are earmarked for the service of the Ottoman Public Debt. Crete remains in theory a part of the Empire, and it must pay year by year its share of its former conqueror's debts. Whatever its local needs may be, it cannot increase its import dues to suit its own requirements; they are fixed by the will of Europe. The result is that Crete, during all these years, has been struggling with an inadequate revenue, to make good the ruin and the devastation caused by long misrule and periodic revolts. In many districts, the olive groves had been cut down during the civil war, and villages burned to the ground. The roads were decidedly worse than they normally are in Turkey, and one could say nothing more damaging about a road than this. The harbors, where once great fleets of Venetian galleys could ride in comfort, were neglected and ruinous, and quite unsuitable for any but the smallest coasting steamers. The Church possesses considerable

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funds, but as it still depends directly on the Patriarchate in Constantinople, these funds cannot be appropriated even for the maintenance of schools. There was talk, when I left the island in 1899, of inducing French capital to develop the vineyards, and of inviting a German syndicate to construct a railway; but foreign investors refuse to adventure under a régime so manifestly unstable and provisional. The result has been that all the projects which the Cretan leaders used to discuss before Prince George arrived—their national schools, their agricultural college, their cooperative dairies on the Danish model—have remained mere memories of disappointment. The economic state of the island is no better than it was under the Turks, and some observers even go so far as to say that it is actually worse. It is no want of capacity which explains this failure. The law-courts are said to be honest and reliable, and the *gendarmerie* under Italian instructors is, by all accounts, a model force. But, without the power to raise money by some more elastic system of taxation, there can be no economic progress; and, so long as Crete remains an integral part of the Ottoman Empire, it cannot hope for fiscal freedom. The little crescent flag in Suda Bay has turned out, after all, to mean something. It is as ever the symbol for fetters and stagnation.

Here, then, were powerful arguments for change. A provisional arrangement which involved a mild but decidedly illiberal despotism, on the one hand, and economic stagnation, on the other, could not be popular; and its failure only reinforced the hereditary instinct of the Cretans in favor of union with Greece. The more they manifested their discontent, the more the administration exaggerated its original tendency to arbitrary and personal rule. It is some years since I have been in Crete, and I should not like to speak too positively of Prince George's mistakes; but I have met no European who has lived in the island who had a good word to say for his administration. On the one hand, he played the despot. The local independent newspapers were destroyed, and the right of public meeting withdrawn. Worst of all, the mayors and prefects, who had originally been elected by the inhabitants of their districts, were degraded to the position of mere officials nominated by the Prince. At the same time, he aspired to be a sort of party leader. He toured about, making violent political speeches whenever an election was in

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progress, and organized his army of placemen who depended on his personal favor into a cohort of partisans. Quite early in his term of office, he contrived to alienate the best men among the leaders who had conducted the insurrection with so much patience and wisdom. The President of the Provisional Government, Dr. Sphakianakis, an extremely able and, what is rarer, a wise and disinterested man, went into retirement when the Prince arrived. He is a man of great experience and moderation, a student by temperament, steeped in his metaphysics and his sciences, but so generally respected that a word from him could always restrain the hottest heads from excesses during the angriest period of the revolution. Why such a man should have had to give way to a young Prince, of no conspicuous ability and no particular education, is one of the mysteries of politics. Before two years were up, his two chief lieutenants, MM. Venizelos and Foumis, were dismissed by Prince George from the ministry. They are younger men, but able, energetic, and fertile in ideas which may yet prove the salvation of the island. A violent personal feud sprang up between the Prince and the veteran Captain Hadjimichali, a patriarch who had led the mountaineers in many a victorious fight against the Turks long before Prince George was cradled. By the summer of last year, when the Prince cast Professor Jannaris, a philologist of European reputation, into Canea gaol, the rift between himself and his people had become desperate. Deputations waited on him in vain with petitions and remonstrances; his manner of insulting and browbeating them only gave a bitter personal aspect to a grave political dispute. It was now quite clear that no solution remained save union with Greece. To Prince George it provided an honorable and graceful path of retreat. He could retire and bring with him in his withdrawal a great gift to the Greek nation, and confer, at the same time, contentment on Crete. To the Cretans, it meant an escape from the despotism and the economic bondage of the previous six years. Greece is not a model state, but at least, it has a democratic constitution. Any permanent solution seemed better than a state of uncertainty and unrest, which prevented the influx of capital and kept men's minds in constant turmoil. Prince George, accordingly, devoted the closing months of 1904 to a tour among the European courts. The Powers had never intended to make him the permanent sovereign of Crete. His mandate was only

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for three years, and it had already been prolonged for a second term. He urged that the time had at length arrived for a definite solution, which could only be a union with Greece. But either his pleading was half-hearted or the Powers were deaf. His term was once more extended, and he was weak enough, or vain enough, to accept the dangerous mission. He returned to Crete and reported his failure.

What followed is recent history. For a month or two the Cretans were passive, and then suddenly they rose in arms. A sort of provisional government was established at Therisso, a stronghold in the mountains, near enough to Canea to threaten the Prince's administration, far enough from the sea to be out of range of the European war-ships. Dr. Sphakianakis and MM. Venizelos and Foumis are at its head, and it soon received the allegiance of the whole interior. Simultaneously, under very strained conditions, a general election was held; and, though the members were probably drawn for the most part from the Prince's party, the Chamber adopted the programme of the insurgents and solemnly proclaimed the annexation of the island to Greece. The Prince threatened, but he had no force behind him; and he too could only reiterate his prayer that Europe should assent to union. It is a whimsical display of unanimity. In other lands, subjects rebel to emphasize some difference of opinion with their rulers. The Cretans have taken up arms to prove how violently they all agree.

It is only necessary to sum up the moral which lies on the surface of this brief historical survey, in order to state the case for union. A mind which acknowledges any allegiance to democratic principles will ask for no special pleading. The Cretans themselves demand it, steadily and with unanimity, and that, in the absence of any overwhelming reason on the other side, should be argument enough. They are not a wild race of turbulent and inconsequent rebels. Even the peasants, for all their simplicity, are remarkably intelligent and even well-informed. Illiteracy is exceedingly rare among the men. They have the Greek passion for letters. I have heard a little wandering pedler passing the long hours of a winter night entertaining a group of storm-stayed travellers in a wayside inn by reciting long extracts from the Odyssey. Their leaders are often men of judgment and culture.

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I knew most of the men who are now the chiefs of the insurgents at Therisso. One of them used to carry about with him a little pocket edition of Kant's "Critique of Pure Reason," which he was trying to translate into modern Greek during the lulls of the last insurrection. Another could entertain us with recitations from a repertory of six or seven plays of Æschylus and Sophocles which he knew by heart. A third surprised me, during the discussions which preceded the drafting of the Constitution, by the variety and thoroughness of his knowledge of constitutional law—he was forever balancing an English principle against a French, or citing some provision from the then recent German code. It is a little ridiculous for a few European diplomatists to affect to treat such men as minors unfit to judge for themselves, or to carve out their own destinies. We are too apt to talk about the majesty of the Concert, as though it were some sublime abstraction. It resolves itself into half a dozen permanent officials, who have studied the problem only through the medium of consular reports, and who have developed a certain bloodless indifference from a long habit of handling human affairs without ever coming into contact with men. They approach the problem as a nuisance. They oppose a sort of bureaucratic inertia to the idea of any change. They know that any alteration of the *status quo* involves some trouble and some effort, and their whole bias is to postpone it until it is forced upon them. They probably feel that the Cretans, by taking up arms and making an unseemly disturbance, have transgressed against international good form; they resent the conduct of the Cretans in doing so, and feel that to yield to such insistence would be to create an inconvenient precedent. They forget that things have come to this pass only because they themselves have neglected their duty as the guardians and protectors of Crete. Prince George is not a sovereign in his own right. He is merely the High Commissioner of Europe. It was the business of Europe to watch his proceedings with some attention and concern. A word from the Powers, at any time during the last six years, would have checked his arbitrary rule and induced him to modify the Constitution. A few reforms in this sense a year ago would probably have averted the present rising.

There is only one respectable argument which can be raised against union, from the standpoint of international politics. It

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may, indeed, be urged with great cogency that Crete itself might suffer from a too close association with the rather corrupt political world of Athens; but, after all, the Cretans are mature enough and intelligent enough to assess such risks for themselves. What diplomacy fears is, rather, that the annexation of Crete to Greece may have an undesirable influence upon the Macedonian complication. There is some force in this reasoning. Bulgaria might, conceivably, ask for compensations, and demand the annexation of Macedonia as a set-off to the aggrandizement of her rival. It would be an insincere claim, for there is really no parallel between Crete and Macedonia. The Cretans are all Greeks and demand union. A considerable minority of the Macedonian population is non-Bulgarian, and what the Bulgars demand is not union with Bulgaria, but autonomy. But it is just possible that Bulgaria might make use of the precedent. Certainly, the Greeks fear that she would do so. In all this curious situation, the oddest feature is that the Greek Government has declined to give the Cretans the slightest encouragement. Eight years ago, Greece sent a little army to annex Crete. To-day, she will not even address a note to the Powers. In principle, she is as eager as ever for the union. But she is profoundly anxious about Macedonia and prefers to concentrate all her efforts on the preservation of her influence there. Sooner or later, Crete must be hers, whereas her chances in Macedonia are exceedingly slender. One may admit that the annexation of Crete to Greece would have a certain reflex and indirect effect upon the Macedonian question. But would it, necessarily, make for evil? In the first place, by distracting the attention of the Greeks to Crete it would lessen the tension of the present internecine strife between Greeks and Bulgars within Macedonia itself—a feud which is devastating the country, ruining both races morally and financially, and creating an anarchy which would defy even an earnest attempt at reform. In the second place, even if a change in Crete should precipitate a crisis in Macedonia, it has first to be proved that a crisis is undesirable. Could anything well be worse than the eternal delays, the constant unrest, the insincere reforms, the patchwork solutions which drag on from year to year in that most miserable corner of Europe?

The Cretans have one circumstance in their favor. It will be uncommonly difficult to coerce them, if they are really determined

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to reject a compromise. Prince George has no force of his own. There are, of course, the international contingents concentrated in the seaports. But even these are not numerous, and they would find the conquest of an elusive enemy in a mountainous and sterile country a rather difficult task. That is, one hopes, an undertaking on which three liberal Powers would embark not without some shame and reluctance. It is, indeed, a possibility which one may almost dismiss, for the simple reason that it would render the position of Prince George totally untenable. He is not in favor at present, but if he were to call in foreign troops to repress a revolt of his subjects and to prevent the union of Crete with Greece which the whole Greek race desires, he would be regarded, with some justice, not only in Crete, but throughout the Levant, as an enemy of Hellenism. It seems, then, as if the Cretans might, if they so chose, defy the Powers with comparative impunity. The Ambassadors of the four guardian Powers in Rome, who form the responsible Committee charged with the management of Cretan affairs, are now drafting a belated list of reforms. If they could inaugurate a constitutional régime and give to the island some measure of economic freedom, there seems at a first glance no reason why it should not be moderately happy. But the passionate sentiment in favor of union has to be reckoned with, and it has now been thoroughly aroused. It seems too much to hope that the Cretans should ever again take Prince George to their hearts. And, lastly, no temporary arrangement, however good in itself, is likely to bring that rest to men's minds and that influx of capital which are absolutely necessary, if Crete is to become contented and prosperous. What the Powers refuse to-day, they will certainly have to concede at no very distant date in the future. The generous and the liberal course is to remove a veto which cannot be maintained forever, and generosity is often the wiser statesmanship. This rugged island, with its simple population of mountaineers, whose only foible is their ardent love of liberty, can never be a menace to the world's peace. To refuse what it demands is to display at once an exaggerated fear and a somewhat churlish indifference. The Cretans ask only for the common human privilege of disposing of their own destinies. It is the weakness of the diplomatic mind that it considers the consequences too curiously, and ignores the plain question of right.

H. N. Brailsford.

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IRELAND'S REPRESENTATION IN PARLIAMENT.

BY EDWARD PORRITT.

In the period between the American Revolution and the Reform Act of 1832, when the demand for a reform of the British Parliamentary system first became general, it was frequently objected that any addition to England's representation, or any overhauling of the nondescript system of Parliamentary representation in Scotland, would be a serious breach of the Act of Union of 1707. To-day the same argument is advanced against the proposal that Ireland's representation at Westminster, now out of all proportion to her population, shall be reduced.

When Grey and Russell in 1830-32 approached the problem of Parliamentary reform, no heed was given to the argument that a remodelling of the representation would be a breach of the compact between England and Scotland in the reign of Queen Anne. Numerically, Scotland gained by the Reform of 1832. But the old Scotch system was swept away in its entirety. It was entirely changed so far as the representation of the counties was concerned; and, except that the grouping of burghs was partially continued, little was left of the burgh system as it had come down from 1707.

If it was no breach of the Act of Union of 1707 to interfere with the Parliamentary representation of Scotland in 1832, it surely cannot be a breach of the Act of Union of 1800 to alter the Parliamentary representation of Ireland in 1905. It will be much less a breach to deal with Ireland's representation than it was to change the system of Scotland, as was done in 1832; because the Union of 1707 was a compact between two nations, each desirous of union; while the Union of 1800 was just a deal—a vulgar deal, with the borough-owners of Ireland.

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It is necessary to use a comparatively new American word to describe these Irish borough-owners. They were "grafters." They were grafters of the worst kind; and they and their predecessors in control of Irish Parliamentary representation—county as well as borough—had been grafters from the Revolution of 1688 to the Union which partially—only partially—made an end to them in 1800. They were of the English garrison in Ireland. For a century preceding the Union they had drawn big pay for garrison service. Much of this pay—between 1700 and 1800, the largest part of it—had come to them through their long and absolute control of the representation; and when they were to be deprived of this control by the Act of Union, they were in a position to extort large sums, in cash down or in control of boroughs and counties which were to send members to the Parliament at Westminster, or in peerages and well-paid offices, as compensation for being deprived of their opportunities for graft.

It was due to these grafters that the Union of Ireland with England had none of the solemnity, the dignity or the statesmanship which marked the Union of Scotland with England, and made the Act of Union of 1707 one of the greatest Parliamentary enactments ever spread on an Anglo-Saxon statute-book.

In 1707 the Union preliminaries were managed by Commissioners openly delegated by each nation. Everything was settled by written communications between the Commissioners. Every minute, every protest and answer exchanged at the Cockpit at Whitehall went on the record. They can all be read to-day in the Acts of Parliaments of Scotland, as published by the Record Commission. At this juncture they should be carefully read by the politicians who are opposing the reduction of Irish representation on the ground that such a reduction would be a breach of the compact of 1800. Along with them should be read the history of the Union of Ireland, which is to be found in the Cornwallis and Castlereagh Correspondence.

These politicians—Irish or English—should note the dignity with which the Lords Commissioners for Scotland demurred to the English proposal that Scotland should have thirty-eight representatives in the House of Commons at Westminster. They should note the persistence with which they pressed for a larger number. They asked for a conference on the question. They had "found such difficulties in that matter," reads their demurrer of

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June 11th, 1706, "that they are under the necessity to propose a conference between the Lords Commissioners for the Kingdoms on that subject, in which their Lordships doubt not but to satisfy the Lords Commissioners for England that a greater number than is mentioned in the said proposal will be necessary for attaining the happy union of the two Kingdoms so much desired." The conference took place next day. The Scotch appeal for a larger representation was not at once acceded to; and on the 14th of June, the Scotch Lords Commissioners, through the Earl of Mar, reported that "they found themselves still under an absolute necessity, for bringing to a happy conclusion the Union of the two Kingdoms, to insist that a greater number than thirty-eight be agreed to as the representatives for Scotland in the House of Commons in the Parliament of Great Britain." Scotch persistence carried the point. On the 15th of June the English Commissioners submitted a new proposal. "The Lords Commissioners for England," it reads, "being assured by the Lords Commissioners for Scotland that there will be found insuperable difficulties for reducing the representation of Scotland in the House of Commons of the United Kingdom to thirty-eight members [there were one hundred and fifty representatives of the shires and burghs in the Parliament at Edinburgh], the number formerly proposed, the Lords Commissioners for England do, to show their inclinations to remove everything that would of necessity be an obstruction to perfecting the Union of the two Kingdoms propose to the Lords Commissioners for Scotland that forty-five, and no more, be the number of the representatives for that part of the United Kingdom after the intended union." Three days later the Scotch Commissioners reported that they did not "insist for greater number"; and forty-five was fixed as Scotland's representation by the Articles of Union.

No such official record exists of the preliminaries to the Union with Ireland in 1800. There is absolutely nothing official in print on the subject, except the Acts of the Parliaments in Dublin and at Westminster which brought about the Union. The Irish grafters of 1799-1800 had no mind to follow the precedent of 1706-7 and settle the terms of the Union by Commissioners. A Commission, with records afterwards to be officially published, is the last mode of procedure to commend itself to grafters in any country or in any age. There were no Commissioners for the

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Union of Ireland with England; two nations did not come solemnly together to arrive at an understanding, and afterwards to give it binding force by Acts of Parliament. The preliminaries to the Union of 1800 were settled in secret by Pitt and his colleagues in Downing Street, and by Castlereagh and Cornwallis with the Irish grafters in the dark recesses of Dublin Castle.

Most of the bargains were made by Castlereagh, the only Irishman who had ever held the office of Secretary to the Lord Lieutenant of Ireland. He made the bargains with the Irish aristocrats who controlled representation in the Irish House of Commons; and sent them to Downing Street for approval and ratification by Pitt. Both Castlereagh and Cornwallis detested and abhorred the dirty business in which they were engaged.

There could be no official record of such preliminaries as went forward in Downing Street and Dublin in 1799 and 1800. But there are extra-official records of these bargains, and official records of some of the transactions—as, for instance, the Act of Parliament voting £1,260,000 to the Irish aristocrats and the Irish Church as compensation for the disfranchisement of 84 out of the 117 boroughs which sent members to the Irish House.

There is also an official report of the Commission which distributed this plunder among the Irish grafters. But the real story of the preliminaries to the Union is to be read in the published correspondence of Castlereagh and Cornwallis. In these four volumes is to be found the most sordid and squalid story in modern British political history. Graft is written large over it all—graft for Ireland's titled and untitled aristocracy; graft for the Irish bar, and for the English Church in Ireland. In 1799-1800 there were no dignified proceedings such as those at the Cockpit at Whitehall in 1706. The two nations did not come into conference through accredited Commissioners, each nation realizing the advantage of union, and each willing to make concessions to bring it about. Pitt was determined on union; and the Irish grafters who controlled representation in the House of Commons were willing to comply on terms—not on terms which should be of advantage to the Irish nation, but for payments made individually to themselves.

Pitt had a varied currency with which to go to market. He could pay cash outright—some from the secret-service fund, and much more by a later vote of the House of Commons at West-

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minster. He had titles and honors to bestow, and also civil, judicial and ecclesiastical patronage. Most important of all, he could reward complacent grafters by putting them in control of Irish representation in the Imperial Parliament at Westminster. Not all the grafters demanded their plunder in cash; although Castlereagh's pledge that £15,000 should be paid from the Imperial Treasury, in respect of each Irish borough disfranchised, did more to carry the Union than any consideration of statesmanship or of other private advantage.

In considering the question whether a reduction of the Irish representation in 1905 is a breach of the Union compact, the bargains which fixed the number of Irish members at one hundred are more important than the bribes in cash, offices or titles for which Pitt, through Castlereagh, secured the fee simple of Irish Parliamentary corruption.

In the Castlereagh and Cornwallis correspondence is the fullest record of these bargains and deals. There are other letters and memoirs which throw additional light on them. But the opponents of curtailment will look in vain for any record of statesmanlike deliberation over the number of Irish members to be seated in the Imperial Parliament; for any serious discussion of the number of members which Ireland was entitled to on a comparison of her population with that of England. That question was not seriously raised until the bill for the Union was before the House of Commons at Westminster, in April, 1800. Then Grey, who carried the Reform Act of 1832, proposed an instruction to committee, calling for reforms in the English representation and reducing the representation of Ireland from 100 to 85. Only 34 members voted with Grey; and accordingly nothing came of his proposed instruction to the committee.

If Grey's instruction had been carried, it would have wrecked the whole scheme of deals and bargains with which Castlereagh had been busy for the preceding eighteen months. Irish representation at Westminster was a most important part of the currency he had to pay out when making his bargains with the grafters in Dublin. At the outset he asked for 126 members as Ireland's quota in the Imperial Parliament. While he wanted 126 members, he firmly insisted that with fewer than 100 he could not make his payments to the Irish grafters. There were 300 members in the Irish House of Commons.

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At an early stage in the negotiations it was suggested by the Duke of Portland, who had been Lord Lieutenant of Ireland, that none of the 117 Irish boroughs need be disfranchised. Portland's idea was that the Irish boroughs should be grouped after the manner of the Scotch burghs for election of Members to the House of Commons at Westminster. For a brief period Castlereagh turned this proposal over in his mind. But he quickly realized that it was not a scheme that would recommend itself to the rapacious grafters with whom he was negotiating for the Union.

The control of an Irish borough was a certain fortune for a needy Irish aristocrat who knew how to market his political wares at Dublin Castle. For a bishop, the control of a borough meant transference to a more wealthy see. For a baron or a viscount, the control of three or four boroughs—the ability to nominate six or eight men to the House of Commons—meant a marquisate or an earldom, a bishopric for a son or nephew, and control of civil, legal and ecclesiastical patronage in half a province.

Castlereagh better than any of his predecessors—for he was an Irishman and before the Union never long out of Ireland—knew all this. He knew it better than Pitt or Portland; much better even than Cornwallis, who at this time was Lord Lieutenant. Castlereagh knew that a third interest in the control of a group of boroughs electing one member to the House of Commons at Westminster, would be of no value as compared with the complete and sole control of a borough electing two members to the Parliament at Dublin; and he was forced to devise a scheme whereby the representation of Ireland in the Imperial Parliament would form a valuable part of the currency at his disposal for the grafters.

Questions of population gave Castlereagh no concern, until he was nearly at the end of his odious task—until it had been determined that only 33 Irish cities and boroughs should be represented at Westminster. Then statistics of the Hearth and Window Taxes were requisitioned to determine which of the Irish boroughs should survive as Parliamentary units. Population statistics did not trouble Castlereagh at the stage of the bargaining of which I am now writing. His urgent exigencies demanded 100 members from Ireland in the Imperial Parliament. Many of the more powerful grafters controlled county representation as well as boroughs; for in 1799 Roman Catholics had been

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enfranchised for six years, and the possibility of exploiting the Catholic forty-shilling freeholder voters had already been fully realized by the county bosses. Castlereagh had to buy off their hostility to the Union as well as that of the borough-owners. So it was reported from Dublin Castle to Downing Street—presumably, though not certainly, by Castlereagh—that a third interest in an election was "of so awkward a description that it would be held in little estimation by the borough-owners."

In the long run, Castlereagh had his way, both with regard to the number of Irish members to have seats in the House of Commons, and to the distribution of electoral power between the Irish counties and the Irish boroughs. But his plan was not based on Ireland's population, nor on any contribution she was to make to the Imperial Treasury. If Castlereagh had had a secret-service fund which was bottomless; if he could have been more lavish with pledges of peerages and promotions in the peerage; or if he had had limitless patronage at his disposal, he might not have had to make the stand he did for one hundred members.

Representation in the Imperial Parliament, with the certainty that the men who had controlled county elections and borough elections to the Parliament at Dublin should control elections to Westminster, was part of Castlereagh's most valuable currency. He needed all that he could obtain of this kind of currency; and this fact, rather than any understanding between the two countries—any agreement worthy the name of a treaty or compact, or to be compared for a single moment with the compact made by the English and Scotch Commissioners in 1706—was responsible for the 100 members allotted to Ireland at the Union.

I have given close attention to the history and working of the Irish Parliament—representation it could not be called; for, as the Duke of Rutland, when Lord Lieutenant, wrote to Pitt in 1784, the Parliamentary system of Ireland "does not bear the smallest resemblance to representation." I have sought for everything in print and in MS. that concerns the Union; and I have yet to find any evidence that either Pitt or Castlereagh imagined in 1799-1800 that they were making a compact which should be regarded as sacred—that they were determining for all time that the number of Ireland's representatives at Westminster should never under any conditions fall below 100.

EDWARD PORRITT.

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THE QUEST.

BY MARGARET SHERWOOD.

Dedicated to the Scholars who die Young.

"And He placed at the East of the Garden of Eden the Cherubim, and the flame of a sword which turned every way, to keep the way of the Tree of Life."

WEAVING a purple web within the loom,
His mother's mother told one day a tale—
While the gold sunlight touched his hair to gold—
Of the dim glory of a garden where
God's wisdom bloomed in fashion of a tree:
An angel, in a pulsing robe of light,
Guarded the pathway; and a sword of flame,
Gleaming at dawn to eastward, barred the way,
Lest men should pass and pluck the heart of life
From out its secret hiding. Rapt he stood,
Nor heard aught else henceforward; for the air
Murmured about his ears with tongues of flame,
And unseen fingers beckoned.
As he sat
Guarding his sheep in the still grass, a palm
Called through the noonday heat across the sand
And the faint mountain blue beyond the north
Called with the beauty of earth's farthest rim.
By aspen pale or poplar, listening,
He heard the echo stirring in the leaves
Which every tree that puts forth root and bud
Hath from the Tree of Life. Lily and rose,
Remembering the garden where they grew,
Whispered of beauty to make dim the eyes;
Thistle and thorn dreamed with him of the spot

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Where they had never grown; but none could tell
The path forgotten, and the ancient wind,
Which sang of having kissed the very leaves,
Sped from him when he prayed it lead the way.

So, betwixt dream and dream, he grew to man,
Driving the plough across the field at dawn,
Folding the flocks at dusk, as others used,
Yet all was faint before him. Word or cry
Smote on his ear as something come too far
For him to catch the meaning. Near and near,
He heard the murmur of the Tree of God.

One day the almond-trees upon the hill
Flushed silently to bloom, and with the spring
A maiden passed. Behold! the tongues of flame
Spoke through her hair and flickered in her eyes.
White foot by foot bathed in the rippling stream,
They sat where green grass marked the waterways
With forehead touched to forehead; and the sun
Flung on them glory of long golden days,
The shadowy night crowned them with shining stars.

Leading his flock one morn along the hill,
Eastward he saw a sword of flame, and paused,
Blinded by glory, stung by very joy
To hunger for the far horizon line.

Her drooping hair crushed dark against his breast,
The woman softly wept: "I bid you stay."
"Ay," he made answer, "in mine ears; and yet
Within my heart of hearts you bid me go;"
Then kissed her lips and pondered how to choose—
Fingers that beckoned, or dear hands that clung.
When dawn shone on his face he rose, and passed
Beyond the flat roofs of his kin, beyond
The drooping water-willows, and the paths
The kine had trodden daily to the fields,

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Beyond the faint blue mountains to the north,—
And men forgot him as he searched for God.

Gray days and green he wandered, asking now
The reeds beside the river, now the folk
Gathered about the door at eventide,
And now the birds that skimmed the upper air
On wide, unwearied wings; but none could send
His yearning feet on their appointed way.
Ruddy the vats at treading of the grape,
Yellow the harvest-fields, and sweet the flowers,—
Red lily flushed with color of the sun,
White lily, pure with passion of its flame,—
That bloomed beside him: women's words were kind,
Friendly the men who trod the threshing-floors,
Yet none could stay him. Once he saw the light
Of sunset gleaming through a distant tree
On a far mountain, and pressed on through dark
And pathless ways, flint-covered; but he found
Naught save the great green cedar of the north,
With hawk and eagle nesting in its boughs,
And turned again to follow still the joy
Of bleeding feet that question not their goal.

Olive and fig were gathered, and the trees
Bared their brown branches to the greening fields;
Faint with the hope of everlasting spring
Grew the young wheat and the narcissus flower,
When he who walked the inner hills alone
Came one day to a spot, withdrawn, apart,
And, kneeling, worshipped; for upon his eyes
Smote perfect glory man may not behold.
Now the great murmur of the sacred tree
Sang loud within his ears, nor did he heed
The voice that bade him backward lest he die.
Light fell upon his forehead as he stormed
The garden of the secret of the Lord,
Alone, undaunted, met the flashing sword
And died, being glad to die so, in the light.

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The woman, who had followed him afar,
Saw not the angel, nor the tree, nor sword,
Nor dreamed the garden; but she saw the face
On which the shadow of the Tree of Life
Had flickered in his passing, and she knew
The beauty that had won his soul to flame,—
Nor asked for other wisdom till she died.

MARGARET SHERWOOD.

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PSYCHOLOGICAL STUDIES OF THE CHIMPANZEE.

BY PROFESSOR R. L. GARNER.

THE scope of my studies of the speech of monkeys embraces two distinct fields of research, the one dealing chiefly with the physical and the other with the psychic problems of the subject.

The first, and perhaps the simplest, line of investigation is the study of the natural vocal sounds of the animals in question, to resolve them into their phonetic elements and, by the aid of associated acts, to translate them into equivalent terms of human speech. This naturally includes an incidental study of the organs involved, their mutual relations and manner of action. Another and more difficult branch of work is that of developing the latent faculties of an animal by imparting to it new ideas or impressions, inducing it to think and act beyond the limits of actual necessity, teaching it to distinguish and utter new speech sounds and to interpret their essential meaning.

In all stages of progress in the foregoing studies, the mind of the inquirer is constantly drawn towards the metaphysical side of the question, and every interrogatory concerning the fundamental principles of speech turns to psychology for a final answer. This leads the student into a study of the mental habits and resources of the animal, those attitudes of mind which are called "passions," "emotions" and "sensations," the powers of perception, the range and character of concepts that define and express themselves in the palpable form of speech or definite gesture as a substitute for it and the precision with which these are executed.

Yet this is not the limit of inquiry. The solution of each problem immediately becomes the basis of a new one, and thus the investigator is gradually led into another realm of inquiry

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and there confronted with questions of the nature and source of those still more remote agencies that give the initial impetus to that train of activities which culminate in speech, the influences which formulate or modify the subtle energy called "psychic force," into definite forms of thought and direct them to definite ends. The study of those phenomena and their correlation to speech and its concomitant faculties constitutes the chief part of my present task and supplies the subject-matter of this article.

That artificial stimuli applied to certain cerebral centres cause certain organs to functionate is not an answer to the question at issue. Most of the experiments along this line that I have witnessed in the laboratory are purely mechanical and do not explain the mysteries of thinking or the volition of acting. As auxiliary facts, their value is readily admitted; but, as a solution to the problem of conscious cerebration, they are not, by any means, conclusive.

While pursuing that line of inquiry, the idea occurred to me that some of the higher types of the simian race might learn to utter a few of the simpler words of human speech. The likeness in structure and unity of function of their vocal organs to those of mankind amply justified the theory: and, being farther stimulated by certain eminent men of science, I resolved to put the matter to a crucial test. This was finally accomplished by a young chimpanzee, who learned to pronounce the word "*feu*" (fire), and knew the meaning of it. Other experiments along the same line were carried to satisfactory conclusions: but this one instance of an ape having acquired the sound and learned the meaning of a new word is sufficient to demonstrate that the dormant faculty is present and may, by proper efforts, be stimulated into action.

The methods employed and the results obtained in the earlier stages of my work have already been made known through the press of both hemispheres, and therefore need not here be reviewed. Attention is merely called to them at this juncture as a preface to my current work, and to place them in the proper order of their sequence.

Finding it difficult to fulfil my present mission to this country in time to reach home before the cold season set in, I arranged my programme for an indefinite sojourn here. Accordingly, I selected a location, such as, I think, affords the best conditions for

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the purpose of conducting the experiments in hand: and I shall now digress for a moment to point out my geographical whereabouts and describe my surroundings.

My place of abode is about two degrees south of the equator, and some forty miles, in a straight line, from the coast, a little more than a hundred miles southeast of Cape Lopez. It is on the southeast side of the lake of Fernan Vaz, and near the mouth of the Rembo flowing into the lake from southeastward. To the west of my retreat lies the lake, and on all other sides the vast forest of the Nkami, extending for many leagues away to the interior. Through this forest, there is no road or trail within some miles of me, nor any trace of human habitation. The forest abounds with all kinds of wild animals peculiar to the African tropics, among which are the chimpanzee and gorilla.

This is one of the favorite haunts of the former, while that of the latter is on the west side of the lake, nearer the seacoast.

At the place indicated, I have had a small area of nearly an acre of the forest cut away, and in the opening thus made I have erected a small, but fairly comfortable, house, a galley and other annexes, all of bamboo and palm. Here I am living a kind of hermit life, not devoid of charms unknown to the dwellers in cities.

In September last, about the time of locating here, I secured a young female chimpanzee, of the kind locally called the *kulu kâmbä*, and known to zoologists by the specific name of "*calvus*." She was a fine specimen of her race, highly intelligent, kindly disposed and very docile, with a genuine sense of humor and a bit of that curiosity which is more peculiar to her sex than to her race. She was very observant and quickly turned her observations to good account. She was rather timid in many things, and in all things suspicious. Her large, brown eyes were more human-like and expressive than those of any animal I have ever known.

The natives from whom I bought this ape claimed that she was at least two years old; but in my own opinion she was something less than half that age. They had given her the native name of Misé (pronounced Mee-say), and I continued to call her by that name, which she readily recognized, even in the midst of conversation or other distractions about her at the time.

As a preliminary step, essential to the success of the experi-

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ments contemplated, I devoted a few days to cultivating the friendship and confidence of Misé. During this time I allowed no one else to give her food or drink under any pretext, as my desire was to make her realize, as fully as possible, her entire dependence upon me as the only source of such things. My native servant, of course, kept her cage in order; but during that operation I removed her and took her for a walk.

In the mean time, I prepared a few simple devices for the initial experiments in testing her sense of form. These were similar in principle to those used in training children of feeble minds; but they were much less complex, as they were designed to reach a lower mental horizon than that of children.

The first of these devices was a plain, pine board, twelve by six inches, through which a hole, two inches square and slightly bevelled, was cut. A block of the same material, corresponding in size and shape to the hole in the board, was snugly fitted into it.

At a moment when Misé appeared to be in a suitable mood for the first step of the experiment, the square block was given her to play with; but she evinced little or no interest in it, until she observed that every time I placed it in a certain position and then turned it up, it produced a peanut. That at once aroused her interest in the matter and she tried the feat herself. Being a novice at such tricks, she was not able to make the nut appear every time; but with a little assistance from me she succeeded often enough to keep up her interest in it. Some clever, young magician may suspect why this was so; but I don't think Misé did.

Having performed this act an infinite number of times within a day or two, the block, alone, failed to produce the peanut and the board was then introduced. She was shown how to fit the block into the opening in the board, but that did not interest her, until, by adjusting the block and turning up the board, it brought forth the nut. It was no trouble to induce her to try this; but, at first, she insisted upon turning up the board without arranging the block in its place, and it took some scores of patient demonstrations to convince her that the block was necessary to the success of the trick. At length, she tried it and with but little difficulty succeeded in both manipulating the block and producing the nut; and having succeeded a few times, she persisted in doing the trick until it became monotonous to me to keep the supply of peanuts going; but she seemed not to tire of it. Although she

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sometimes failed a dozen or more times in succession to make the peanut appear, she continued trying the operation until surfeited with peanuts or something better presented itself. She declined all offers of assistance from any one except myself and allowed no one else to touch the block or board. When not in use she usually sat on them or held them with her foot, evidently expecting to make use of them again.

This fact is worthy of notice, because, as a rule, all tropical animals, man included, are naturally improvident. The ease with which the means of life are obtained, no doubt, accounts for their lack of frugality; but in this instance, Misé certainly displayed a certain degree of concern for the future.

Having become familiar with the square figures, a circular block, two and a quarter inches in diameter, was added to the outfit. On first seeing it, she looked at it for a moment, turned it over, as if to see whether or not it would yield a peanut, but made no attempt to fit it into the board. She then ignored it, and proceeded placing the square one and finding the little prize. A little later, however, she was shown that, when the round block was turned in a certain way, it yielded a small piece of pineapple. She at once laid aside the squares and devoted herself to the round block, which, for a time, produced the morsel of fruit without the aid of a board. At length, however, the block alone ceased to yield its quota of fruit, and another board, having a round hole in it, was introduced. Without having to be shown, she promptly adjusted the block to its place, turned up the board and found the bit of pineapple. For about half an hour her attention was centred upon the new board and block. Suddenly she paused in her work and began looking about her as though trying to recall something to mind. Then she turned to the squares again and quickly found a peanut. After a few had been thus produced, I exchanged the square figures for the circles. She turned them only once, and, finding the pineapple instead of the peanut, she at once turned again to the squares and insisted upon having them.

Within a day or two she was as decided in choosing the block and board, preferred for the time being, as any human being could have been. No matter how she found them arranged, she promptly selected the ones that belonged together and obstinately clung to them. It was now quite obvious that in her mind the peanut was distinctly associated with the square figures and the

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pineapple with the round ones. The selection of the block and board depended upon her choice at the time between the two articles of food; but the fact that she clearly distinguished the two geometrical figures was quite certain.

Having thus impressed upon the mind of Misé the two distinct forms described, so that she recognized them without confusion, I substituted a single board, having the two holes cut into it, for the two separate boards formerly used. The two blocks were placed within her reach and she was allowed to proceed without any suggestion to aid her. She selected the square block and fitted it into the board. The usual result of finding a peanut instantly followed, and she was permitted to do this as often and as rapidly as she chose. About half a pint of nuts was required for the occasion. A brief pause ensued and she exchanged blocks. She made no mistake in placing either of them.

The next day, I placed four round blocks and one square one in a pile near her. She instantly pushed the round blocks aside and took up the square one, which she at once put into use. When she had obtained enough peanuts to satisfy her, she again turned to the round ones and picked out the particular block which she had before been using. It was not difficult for me to distinguish this block from the others, partly by the grain of the wood and partly from its being slightly soiled from handling, but that she should observe these very faint marks of identity was quite unexpected.

That afternoon the three superfluous round blocks were removed and a triangular one placed in their stead. The three figures were stacked up, with the square at the bottom, the triangle on top and the circle between them. The new figure at once caught her attention, but certainly did not deceive her. She picked it up, examined it for a moment, placed it in front of her and then turned it up, as if to ascertain what manner of food it might produce, but she made no attempt to fit it into the board; and after one trial abandoned it and took up the square.

In due time, I showed her that, by proper manipulation, the new form would yield a moiety of igúma, a native preparation of the cassava. She tried her skill in turning the block and succeeded in obtaining the igúma. The first few trials were fruitful, and then followed a series of failures. A board, having a triangular hole in it, was given her, and, without hesitating, she adjusted

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the block in its place. The result was what was expected; and the feat was several times repeated.

The following day a single board containing the three holes described, arranged in the same order as the three forms had been presented to her, was substituted for the separate boards. Without aid and with but little suasion she was induced to place the blocks as they belonged. An infinite number of minor experiments then ensued, which showed that her perception of the three described forms was clear and definite.

A lozenge or diamond-shaped block was next presented to Misé, and a small piece of plantain was used as a bait. The usual exercises of turning it up and finding the food were only kept up for a short time, when the board with a hole of lozenge shape was given her. She found some difficulty in fitting the block in its place, and, after using them for four days in succession, she made frequent mistakes in trying to adjust them. In the mean time, however, she made some improvement which indicated that her perception of the figure was growing clearer.

The lozenge block was then mixed with the others, and, while she seemed to be aware that it was a new form, she often confounded it with the square and occasionally with the triangle, but not once with the circle. It appeared that she was not quite able to carry the form in her mind, and it was only by actual comparison of the block with the holes that she was able to detect the difference in the forms.

At this juncture, I became aware that the lozenge was too nearly like the square and the triangle to be introduced until she had become more proficient in geometry; and I also felt that I was proceeding too rapidly with the experiments. Accordingly, I withdrew the lozenge for the time being, and also deferred submitting to her several other figures which I had prepared for her.

As a change of mental diet for Misé, I now began a series of experiments to test her color sense, and, I must say, I was somewhat surprised at the results. I have heard it repeatedly said that few, if any, of the lower animals have any definite perception of colors. Upon what ground this school of philosophers found the assertion I do not know, except that a certain anatomist once told me that the structure of their eyes indicated that most animals are color-blind. That all animals are not so the following experiments show.

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From the pith of a palm rib I constructed three cubes, each two and a half inches square. One of these I stained with black ink, another with green aniline dye and the other was left its natural color, which is creamy white. The cubes were cleft in the middle and the two sections fitted together with dowels. In the centre of each cube a small cavity, about an inch square, was cut; and in these cavities the baits were placed. Due care was taken to put the same kind of bait in the same cube each time, in order to associate it in the mind of the animal with the same color, as formerly it became associated with a certain figure.

Misé was carefully shown how to open the cubes and was shown what each one contained. The cubes were then placed within her reach and she began her investigations by opening the black one, which contained a bit of igúma. She quickly disposed of that, and opened the green one. This contained a peanut. Having secured that, she opened the white one and found a bit of pineapple.

In this instance, she did not evince any special preference of color; and for a few subsequent experiments she appeared to be guided in her choice of a cube by convenience, rather than by predilection for a color; but, as the associations of bait and color became more fixed in her mind, it was obvious that she was deliberate in selecting a certain color.

Gradually, the number of cubes was increased to fifteen, being five of each color. There was no longer any reason to doubt that she could distinguish colors with as much precision as I could. No matter how the cubes were arranged, sometimes scattered on the ground all about her, at other times put into a basket and shaken up, or stacked up in the form of a rick, she selected the color that contained the kind of food that she preferred at the time, and was not a moment in doubt about it.

A single cube stained blue was added to the lot. It contained a small piece of plantain. The cube and bait had not been shown to her before placing it among the others. The purpose was to see whether or not she would observe the difference without aid; and her conduct on finding it showed that she did not mistake it for one of the original lot. She had opened three of the white cubes before she discovered the blue one. She immediately picked up the latter and examined it as though in doubt—which, I think, she really was. Then she opened it and devoured the bait, after which she opened the two remaining white ones.

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In the next three experiments she left the blue cube until all the others had been opened, and in the fourth and fifth sittings she didn't open it at all.

Four more blue cubes were added; and, at the next experiment, she began by opening the five blue ones which were mixed indiscriminately with the others. Half a dozen times in succession she opened the five blue ones before touching the others, and in the last three or four of these trials she didn't open one of the green ones.

My red dye having been ruined by getting wet, I had no means of coloring a cube of that hue; but a series of improvised experiments with a native wild fruit called "ntonda," showed that she was not only able to perceive red, but quickly distinguished half a dozen shades of it with as much precision as a milliner could. This fruit presents different shades of red in different stages of ripeness; and both the gorilla and chimpanzee are very particular about the condition of it. Certainly no human eye can detect these shades of color so quickly or so accurately as those apes do.

During this same period, I had in progress several other experiments. I was presenting the same forms, as those described, in the form of solids and also in lines drawn in chalk. I had merely made a beginning in phonetics. The series of sounds I have to develop have been selected for me by experts in teaching deaf-mutes and masters of phonetics.

I regret to have to record the disappointing fact that Misé, although pampered, petted and trusted like a child, ran away into the forest one morning and all efforts to find her have so far been fruitless. Liberal rewards were offered for her and quite a number of native experts in woodcraft sought in vain for her. Her natural instincts asserted themselves, and she is now somewhere at large in the forest, which is almost as boundless as the sea.

I am glad, however, to report that I have since procured two other specimens which are now under training, and one of them gives fair promise of being as apt as Misé; and I shall see to it that this one will not carry the fruits of my labor into the bush to squander it in putting on airs among his rural kinsmen and posing as a college-bred chimpanzee. In the near future I hope to be able to give a good account of my present favorite pupil, whom I call "Mikado."

R. L. GARNER.

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THE SCANDINAVIAN CRISIS.

BY H. L. BRAEKSTAD AND KARL STAAFF, MEMBER OF THE SWEDISH PARLIAMENT.

I.—NORWAY'S RIGHT TO INDEPENDENCE.

On June 7th the world was somewhat suddenly startled by the news that the Norwegian Parliament had unanimously decided to proclaim the dissolution of the Union with Sweden, and that in consequence King Oscar was deposed as King of Norway.

Thus the Union, which has been so little understood and so greatly misrepresented outside the borders of the two countries, came to an end. And looking back upon its history of ninety-one years, the wonder is that it has lasted so long. It was entered into at a time of stress and trouble, and as events have now only too well proved, it was a most unsatisfactory compact, especially as far as Norway was concerned. In Sweden and Norway alike, much has often been said on social and festive occasions about the great advantages and the many blessings of the Union, and the official and well-to-do classes seem persistently to have worked themselves up into the belief that it really has had such results, although no positive proof could be produced of their existence.

But what does the history of the last ninety years show us? During this period, an abnormally large amount of the time and energy of the nation has been expended in resistance to the continuous attempts of Sweden to extend the bonds of the Union, with the ultimate object, as we are now fully convinced, of obtaining complete supremacy over Norway, directly against the letter and the spirit of the Act of Union; and all this time and energy have been consumed to an incredible extent in the discussion and solution of questions to which it would never have been necessary to devote such labors if the Swedes had not interfered in Norwegian affairs, and, by their influence over the King, delayed the

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passing of measures and reforms which the Norwegians, constitutionally, were fully justified in carrying out.

In a short article like the present it will not be possible to enter into the details of the many conflicts that have arisen between the two countries. It will suffice if I refer to the conflicts over the abolition of the Governor of Norway (1852-1873); over the Royal veto (1872-1884); over the bill for the national flag (1893-1898); and now, last of all, over the establishment of separate consuls for Norway (1892-1905). In view of these incidents, I venture to assert that historians and political writers, who may care to study the history of Norway since 1814, must come to the conclusion that measures and reforms passed in the most correct and constitutional manner by the National Assembly of Norway have been delayed and thwarted through undue influence exercised upon the King by his Swedish advisers, and by the aristocratic party, the so-called "*Storsvensker*," in the Upper Chamber of the Swedish Parliament,—a state of affairs to which the Norwegians could not possibly submit indefinitely, particularly when it is remembered that the advisers in question were the representatives of an alien country.

According to the Act of Union, the political relations between the two countries were based upon *absolute equality*, but—to go back to the year 1814,—that was not the kind of Union which the Swedes wanted. One of their leading politicians at the time described it as "a Union to weep over." And, considering the great difference between the two countries, their institutions, the character and aspirations of the two peoples, it was no doubt unwise for them to unite under one king, who would have had to be more than human to be able to act as a constitutional sovereign for both countries. Thus the Swedish Constitution is founded upon the feudal system, while that of Norway is based upon the udal principle. The Swedish Constitution gives the King an absolute veto, the Norwegian only a suspensory one. In Sweden the King may dissolve the Parliament at his pleasure,—a power he does not possess in Norway. The Swedish Parliament consists of an Upper and a Lower Chamber, while the Norwegian is a one-chamber institution. Sweden has a very old-fashioned and limited franchise; in Norway they have now manhood suffrage. Sweden has an aristocracy; Norway has none.

The Union was most unfavorably received by the Swedish

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governing classes in particular. The people had little or no idea of the real nature of the Union, and for a considerable time believed it to be an achievement of Swedish arms, while to the leading men of the country, who were better acquainted with its terms, it was a great disappointment. They had hoped to make Norway a province of Sweden, and they found they had entered into a Union in which both countries were to be equally independent.

But the Norwegians soon found that the so-called equality was not fully recognized by the Swedes, and that the latter were ever intent upon assuming the rôle of the predominant partner in the Union. Every demand by Norway for the recognition of her full rights as a free and independent kingdom came to be looked upon by the Swedes as "revolutionary," and as directed against the King and against the Union; and they were only too prone to exclaim that what the Norwegians have gradually succeeded in carrying through during the last ninety years was obtained only through "Swedish magnanimity and concessions." Moreover, according to the Act of Union, Norway had full right to an equal share in the conduct of foreign affairs that concerned Norway; but the policy of Sweden, ever since the time of the Union in 1814, has been to reserve the control of these affairs as much as possible to herself. As late as 1891, the Swedish Government maintained that Norway had no right to participate in the conduct of foreign affairs. There is, however, no paragraph in the Norwegian Constitution, or in the Act of Union, that authorized Sweden to assume the sole control, and Norway, time after time, firmly objected to legalize, by any new Act of Parliament, the pretension that the conduct of foreign affairs should be intrusted to Sweden.

Up to 1885, it was generally understood that the King might call upon a Swedish or a Norwegian Minister to assist him in the conduct of foreign affairs; but, as a matter of fact, the Swedish Foreign Minister had *always* been employed for this purpose. In 1885, however, Sweden, without consulting Norway, decided on a change in her Constitution, by which the conduct of foreign affairs passed entirely into the hands of the Swedes. The Council for the transaction of these affairs was made to consist of the Swedish Foreign Minister and two other members of the Swedish Government on behalf of Sweden, and of the Norwegian

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Minister in attendance upon the King at Stockholm on behalf of Norway. This disproportion in the representation of the two countries in the Council was even admitted by the Swedish Government, and several negotiations took place subsequently with regard to giving Norway a greater share in the conduct of foreign affairs, but all without any result.

The particular question upon which the final breach has taken place was the establishment of separate consuls for Norway, which the Norwegians, after careful investigation, had found to be of vital interest to the free development of the shipping and commerce of the country.*

The negotiations between the two Governments in conection with this question had so far progressed satisfactorily that an agreement was arrived at in December, 1903; and the King had commissioned the Norwegian and Swedish Governments to proceed with the drafting of the regulations for the consular service, which were to be submitted to the Parliaments of the two countries for final acceptance. In November last, however, Mr. Boström, the Swedish Prime Minister, suddenly submitted to the Norwegian Government a number of new conditions, under which the Swedish Government was willing to agree to the establishment of separate consuls. According to these proposals, the Norwegian consuls were to be placed under the control of the Swedish Foreign Minister, who was also to have the power of dismissing or removing any Norwegian consul whose conduct he might not approve. This, as well as the other conditions contained in Mr. Boström's proposals, was, of course, altogether unacceptable to the Norwegians. According to the Norwegian Constitution, a Norwegian official can be dismissed or removed only by the Norwegian Crown. The Norwegians, moreover, considered that these new demands, put forward by the Swedish Prime Minister, were nothing less than a breach of faith with regard to the terms of the agreement arrived at two years before by both Governments, and approved and signed by the King. The negotiations, therefore, came to an end, and no other course remained for Norway but to proceed towards the attainment of her constitutional rights in her own way. On February 17th last, the Norwegian Storthing decided unanimously to refer the

* The tonnage of the Norwegian merchant fleet is more than double that of Sweden.

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matter to a Special Committee, which was to consider what steps should be taken to promote the establishment of Norwegian consuls. This Committee decided that a bill should be immediately submitted to the Storthing for that purpose, and that the measure should come into force not later than April 1st, 1906. The bill was passed without a dissentient voice on May 23rd. It was generally expected that the King would sanction the bill and that the long controversy over the consular service would thus be finally settled. But on May 27th, in spite of the earnest entreaties of his Norwegian Ministers that he should sanction the bill, the King formally announced his refusal to do so. The Norwegian Ministers immediately resigned, but as the King was well aware that he would not be able to form a new Ministry prepared to take upon themselves the responsibility of countersigning his refusal to sanction the bill, he at once informed the Ministers that he could not accept their resignation. They, however, declined to withdraw it. No protocol of the proceedings was drawn up, as the Ministers refused to countersign it, and the rejection of the bill by the King was, therefore, constitutionally non-existent.

A few days afterwards, the Norwegian Government formally informed the Storthing of the King's refusal. Mr. Michelsen, the Prime Minister, read the minutes of the Council of State on May 27th, whereupon the Assembly unanimously agreed to refer it to the Special Committee. On June 7th the Storthing met to hear the final decision of the Government. The Prime Minister read a statement, signed by all the members of the Government, informing the Storthing that they had resigned in consequence of the King's refusal to sanction the consular law, that the King had declined to accept their resignation and that, as an alternative Government could not be formed, the Royal power ceased to be operative, and the Union with Sweden, based upon a King in common, was consequently dissolved. The policy involved in the position taken up by the King with regard to the sanction of the consular law was not, in the opinion of the Government, in conformity with the Norwegian Constitution; and, just as no Norwegian would be willing to assist in the formation of a new Government, prepared to take the responsibility for such a policy, the Ministers could not by remaining in office make themselves a party to it. They had informed the King of this, and they considered it their duty to lay down their office.

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The President then submitted a resolution, that the Storthing should authorize the members of the resigning Ministry to exercise the authority vested in the King in accordance with the fundamental law of the Kingdom of Norway, with such modifications as are necessitated by the fact that the Union with Sweden under one King has been dissolved.

The resolution was unanimously adopted, and a provisional Government was thereupon formally installed. The Storthing at the same time agreed upon an address to the King, informing him of its decision, and assuring him that the Norwegian people's struggle and work for the complete independence of their country had not arisen from any animosity against the Royal House or the Swedish people, and, in testimony of this, soliciting His Majesty to allow a Prince of the Swedish Royal House to be elected King of Norway, the Prince being required to renounce his hereditary right to the Throne of Sweden.

The King, on receiving the news of the action of the Storthing at his Swedish capital, telegraphed to the Norwegian Prime Minister and to the President of the Storthing: "I have received the communication of the Council of State, and record a most decided protest against the method of action of the Government."

The Swedish Government met immediately and decided to summon an extraordinary session of the Swedish Parliament. At the time of writing, the extraordinary Riksdag has just assembled and elected a Special Committee to consider what steps should be taken by Sweden.

Probably never in ancient or modern history has such an important change in the political union between two countries been effected with less demonstration and bluster, and with a greater degree of unanimity, determination, self-control and order, than in the case of that effected by the action of the Norwegian Storthing on June 7th last.

This action has by several leading European newspapers been termed a "revolution." This is, of course, entirely incorrect and misleading. When you have a whole nation, from the highest to the lowest in the land, in perfect accord regarding the country's policy on a momentous question, where there is no need to resort to any act of violence in order to accomplish the people's will, and when there is not a vestige of disorder throughout the land, to call any act decided upon by the Government,

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backed up by the whole nation, a "revolution" is nothing but a wilful or ignorant misuse of language. It may suit the purposes of the aristocratic party in Sweden to represent the action of Norway to the European public as "revolutionary." But what has actually happened? A bill providing for separate consuls has been passed unanimously by the Norwegian Parliament. According to the Constitution of the country, the King does not possess an absolute veto, but he has the right twice to refuse his sanction to any bill passed by the Storthing. It must, however, be borne in mind that, according to the fifth section of the Constitution, "the *King* cannot be blamed or accused. *The responsibility shall rest upon his Ministers.*" Consequently, the King has no constitutional or other right to refuse his sanction to a bill passed in a constitutional manner, unless he has a Ministry who will support and countersign his refusal, and thereby take the responsibility thereof on their own shoulders. On his accession to the throne of Norway, King Oscar took the following oath before the Storthing: "I promise and swear that I will govern the Kingdom of Norway in accordance with its Constitution and laws, so truly help me God and His holy word."

According to this, King Oscar is clearly bound to act as a constitutional King; and when he cannot find a Ministry to support and countersign his refusal to sanction a bill, he places himself—if he still persists in refusing his sanction—outside the pale of the Constitution and deposes himself as the King of Norway. And when his Ministers have resigned in consequence, and he cannot find a single Norwegian ready to undertake to form a Ministry that will support his action, the country must through its Parliament provide for the constitutional government of the country by appointing a new Ministry.

The Royal veto, according to the Norwegian Constitution, was not granted to the King that he might constitute himself a power above the Constitution and the expressed will of the nation.

What made the matter more serious, and even dangerous, in the eyes of the Norwegians, was the fact, now clearly brought to light, that it was mainly through the Swedish influence, which was brought to bear upon him, as on many previous occasions, that King Oscar, as King of Norway, refused his sanction to the Consular bill; and it would, therefore, have really meant that Norway was being governed from Sweden,—by the opinion of the

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aristocratic party there, the known enemies of the free and democratic Constitution of Norway.

The correct term for the action of the Norwegian Storthing is rather a "revolt" against the attempts at Swedish supremacy and interference in Norwegian affairs. And now that the nation has given the Government its full confidence, we may rest assured that that confidence will be maintained. Those who have some idea of the character of the Norwegians will know that there will be no wavering or going back, and that the Norwegian people, from the Prime Minister to the humble farm-laborers, are prepared to sacrifice everything in order to uphold the honor and the independence of their country.

H. L. BRAEKSTAD.

II.—THE GROUNDS OF SWEDEN'S PROTEST.

THE Union between Sweden and Norway has, from the very beginning, labored under a contradiction between intention and execution. The intention was that Norway, in the Union, should be on an equality with Sweden in the Union. But this purpose was not entirely carried out. It fell short of realization chiefly with reference to the treatment of foreign affairs. Certain steps have been taken in the course of time to rectify this defect, but with little success. The foreign affairs of Norway were managed by a Swedish Minister responsible only to the Swedish Government. Only by degrees were the eyes of the Swedes opened, as at length they were during the nineties, to the untenable character of these conditions. Meanwhile, a large party had been formed in Norway, which had drawn up a plan for effecting the equality of the two countries, which stood in sharp contrast to the general view of things held in Sweden.

The Swedish reform programme, as it was developed by degrees, was to arrange for a common Minister of Foreign Affairs, a Swede or a Norwegian, who should be responsible to the Governments of both countries (the representatives themselves, or delegates chosen by the representatives). The Norwegian programme was to provide for a duplicate Foreign Ministry, whereby there should be a native of Norway as Minister of Foreign Affairs responsible to the Norwegian Storthing, and a native of Sweden as

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Minister of Foreign Affairs responsible to the Swedish Riksdag. Each of these Ministers should thus manage the foreign affairs of his own country. Foreign affairs which concerned both countries should be jointly worked out and presented to the King in common. The difference between the two programmes will be seen to be this: the Swedish would maintain complete unity in the management of foreign affairs, whereas the Norwegian programme introduces the principle of dualism in the direction of foreign affairs. The duty of the common Foreign Minister would be to look after the interests of both countries. Each of the two Foreign Ministers would only have the interests of his own individual country at heart. Suppose they should differ and give the King different advice on the same matters? In that case, there would be no other way out of the difficulty than for the King personally to decide, either in accordance with the advice of one or the other Minister, or in conformity with some compromise between their discordant counsels. But such an arrangement would not be in accordance with the principles of the Constitution. The Minister whose advice is not followed cannot be blamed for the consequences. In this way, one of the countries might time after time see the advice of its Minister rejected without being able to do anything in the matter. The consequence must naturally be a great dissatisfaction in that country, and this dissatisfaction must be an influence directed against the Union itself. It is evident that the Swedish programme which requires the common Foreign Minister to consider the interests of both countries and makes him responsible to the representatives of both peoples, offers far greater certainty that each of the countries would exert its proper influence on the foreign administration.

Norway, however, has never, by any direct act, tried to have its programme carried out.

In the first place, the Norwegian programme was, for a long time, embraced by only one of the great Norwegian parties, the party of the "Left," while the party of the "Right" accepted the Swedish programme. In the second place, it is probable that the interpretation of the Constitution upon which Norway's claim was based was, perhaps, considered somewhat questionable. In the early nineties, the Norwegian Storthing took another course by trying to organize a Norwegian consular service. This attempt, however, was frustrated by the King's refusal to

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sanction it. After a long ministerial crisis, a Union Committee was formed, consisting of representatives from both countries. This Committee, which was relied on to devise a method of settlement, was unable to reach unanimity in its conclusions, but divided into four sections, two Swedish and two Norwegian, each with a different programme; consequently, the work of the Committee was devoid of practical result.

So things went on till 1903, when a proposal was made by the Swedish Government to improve Norway's position. In January, 1902, the King, in a joint Council of State, at the instigation of the Swedish Foreign Minister, had resolved to submit the question of separate consular services to a joint committee of experts from both countries, to consider how an arrangement of separate consuls for each of the Kingdoms, diplomatic representatives being common, would work in practice. After the committee had come to a conclusion, negotiations were opened between the Norwegian and Swedish governments, which resulted in a preliminary agreement on March 24th, 1903. This agreement was to the effect that a settlement should be made on the following basis: First, separate consular services shall be established. The consuls of each Kingdom shall be placed under whichever department at home the country concerned will decide. Secondly, the relationship between the respective consuls and the Foreign Minister and embassies shall be arranged according to identical laws, which cannot be altered or suspended without the consent of the Executives of both Kingdoms. The Swedish negotiators added that they were fully aware and acknowledged that the position of the Foreign Ministers did not respond to Norway's just claims to equality in the Union. They had suggested the desirability of having this question taken up for discussion, but this had found no sympathy on the Norwegian side. They had, nevertheless, declared themselves ready, whenever a desire to that effect was uttered by Norway, to advise the King to propose to the Riksdag and the Storthing such alterations in the Riksakt as might give the King an opportunity to elect either a Swede or a Norwegian as Foreign Minister.

The Norwegian negotiators had replied that they, of course, agreed that the present state of the management of foreign affairs was not in conformity with Norway's lawful claim to equality in the Union. At the same time, they expressed the hope that the

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question of a satisfactory arrangement of the management of foreign affairs might soon be taken up for negotiation between the two Kingdoms. The negotiations on the Norwegian side had been carried on in the belief that the question of a change in the aforesaid disadvantages should be left untouched. It had been, for the reason that the opinions as to the best manner of rectifying this matter were so divergent in the two countries that an agreement could not at that time be expected. In conclusion, it was emphasized on both sides that the identical laws should guarantee that the consuls should not transgress the proper bounds of their activity, and at the same time secure smooth collaboration between the Minister and the consular services of the two Kingdoms. It was at this last point that the whole attempt failed.

As soon as it became known that the Governments could not agree, a violent campaign began in the Norwegian press, especially directed against the Swedish Parliament and Prime Minister. The latter was accused of having broken his promises by not trying to realize what the preliminary agreements of March 24th contained. In February, 1905, it was officially declared that the negotiations had been broken off.

The taking up of the consular question and the preliminary agreement of March 24th had aroused great hopes among the friends of the Union in both countries. Concerning the result and the reasons for it, opinions differed much in Sweden. That the negotiations on the Swedish side had not been properly managed was admitted in many quarters, also that the Swedish demands in many respects were unreasonable. On the other hand, the charges against the Premier were considered excessive, even if it had to be acknowledged, judging from sundry indications, that his interest in the happy solution of the question had waned.

The Norwegians resolved now to take the matter into their own hands. According to Norwegian ideas—and on this point all Norwegians agreed—the consular question was a purely Norwegian concern, so that Norway could without the cooperation of Sweden organize a consular service of her own.

In the spring, the Crown Prince, who during the illness of King Oscar was made Regent, tried to bring up the Union question in all its bearings. He laid proposals before a joint Swedish and Norwegian Council of State, inviting them, on both sides, without bias in favor of already adopted views, immedi-

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ately to open free and friendly negotiations for a new arrangement of the matters concerning the Union, which ought to be conducted on the basis of complete equality between the two Kingdoms. The Crown Prince said:

"The course which, I think, ought to be taken, and which may in my judgment lead to a solution of the difficulties, is as follows: Provide for a joint Foreign Minister, Swede or Norwegian, responsible to both Kingdoms, or to a joint institution; a separate consular service for each Kingdom, but so arranged that the consuls, in everything that concerns their relationship to foreign Powers, shall be placed under the direction and control of the Foreign Minister. If during the negotiations another way of arranging foreign affairs should be found, always retaining a unity in their management as an indispensable guarantee of the continuance of the Union, I hereby declare myself prepared to take the course proposed under my earnest consideration."

This last part of the Crown Prince's speech, which mentions "another way," refers to a proposal which had been made on previous occasions, and which in the Second Chamber of the Swedish Parliament seems to have been received with some sympathy. To meet the wishes of the Norwegians as far as possible, there had been thoughts of separating foreign affairs relating to one country from those relating to both, putting Swedish foreign matters into the hands of a Swedish Minister and intrusting Norwegian matters to a Norwegian, while common affairs should be dealt with by a Union Chancellor responsible to the representatives of both countries.

The Norwegian Government declined to accept the Crown Prince's proposal. A Special Committee, chosen by the Norwegian Storthing, was soon to report to the Storthing a bill for the establishment of a separate consular service. If the programme put forward by the Crown Prince happened to be based on the presupposition that the consular question should be set aside, Norway's agreement to such a proposal would be synonymous with the abandonment of the Norwegian people's unanimous demands that the right that belongs to Norway as a Sovereign State, and which is guaranteed by her Constitution should be at once carried into effect.

When the consular question had been solved, negotiations might take place, but only on two conditions: in the first place, the negotiations would have to embrace also the arrangement proposed on the Norwegian side providing for a separate foreign

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administration for each of the two countries; and, in the second place, if the new negotiations should be fruitless, the countries should not fall back upon the *status quo,* but each should then be free to decide the future form of its national existence.

The Swedish Government stated that as the idea of further negotiations had been put aside by Norway, until a separate Norwegian consular service should have been organized, and as, furthermore, the conditions upon which Norway was willing to carry on fresh negotiations in the future were incompatible with the Union and the Riksakt, negotiations could not be started, with prospects of success, on the basis pronounced by the Crown Prince. The Crown Prince hereupon resolved that, as the Norwegian Government would not accede to a proposal of new negotiations concerning all the pending questions relating to the Union, he could do nothing but approve the pronouncement of his Ministers.

On May 18th the consular bill came up for a vote in one part of the Norwegian Storthing, and on May 24th in the other. Both parts unanimously adopted the bill. On May 27th the King, who had resumed the reins of Government, refused to sanction the bill as implying a change in the community of the consular service, which, in his opinion, could not be altered without a mutual agreement. All the ministers then sent in their resignations, which the King declined to accept.

On June 7th the revolution in Norway took place. The Norwegian Ministers entered the Storthing and announced their intention to send in their resignations. The Storthing then declared that the constitutional monarchy had ceased to officiate in Norway. It authorized the Ministers to conduct the Government, until further notice, in conformity with the Norwegian Constitution and laws, with the alterations which would be necessary after dissolution of the Union with Sweden.

That the Norwegian Storthing, in case of refusal of sanction, would appoint a provisional Government was something for which we were prepared, but it was thought that the matter would end there. It had been supposed that the reasoning would be about as follows: "The country must be governed by a constitutional Government (King and Ministers). If the King, now, in spite of all endeavors, cannot form a Cabinet, and as it is impossible to force any one against his will to become a Minister, the constitutional Government has ceased to exist. But, as the country cannot be

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allowed to drift into anarchy, the Storthing must fill the gap in the Constitution. The Storthing must thus appoint a new Government of a provisional character." Had it ended there, the crisis, of course, would have been quite different from what it was. The Storthing then would not have deposed the King, but would have only provided a Government for the country so long as the King was unable to reign. The Storthing would not have totally broken, but simply *de facto* suspended, the Union with Sweden. An interregnum would have been formed, and it might even have been open to question whether this interregnum should be called revolutionary or not. If everything that is outside the Constitution is revolutionary, then such a condition of things might be called so too. But if only such acts as are intended to change the Constitution for the future deserve to be called revolutionary, then the measure taken would not have been revolutionary. It would only have been an emergency-expedient pending the coming of an opportunity to reenter lawful Government in one way or another. Such a reentrance into legal conditions would have been possible if both Swedes and Norwegians had proved sufficiently accommodating to speedily reorganize the Union on the basis of complete equality. In that way, it would have been also possible if the Storthing and Government had presented to the Swedish authorities a request for the dissolution of the Union in a lawful manner. As a complete surprise came the message that the Storthing had gone far beyond appointing a provisional Government; that it had deposed the King and declared the Union dissolved. The Norwegians have justified their course by the plea that, after the Swedish Government's refusal of the Norwegian proposal of admitting jointly, with the negotiations as to a new regulation of the Union, the right of dissolution, there did not seem to be any possibility of effecting an amicable separation from Sweden. Against this it may be claimed, however, that, after the King's refusal, the whole state of affairs was quite altered, and demands from the Norwegian Storthing and Government to have the Union dissolved would have had more strength and weight than the suggestion of the Storthing here before quoted.

The correct and best-founded explanation of the revolutionary resolution of the Storthing is this. During the whole existence of the Union, there have been groups and opinions in Norway which

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have never looked upon it with good-will. Through the disagreements which have arisen, these parties have grown in strength and number; and even if one cannot regard "the Left" party in Norway as having been totally against the Union, it can justly be said that it has been indifferent and in a degree also inimical towards the Union. The disappointment regarding the consular question naturally fostered a disposition favorable to the plans against the Union. And so it all came to happen.

In its revolutionary action, Norway, it seems to me, has disregarded two great objects, which the small States, before all, ought to hold sacred. One is comity between the two peoples. If the idea of drawing the two nations to each other in a spirit of unity and fraternity is to assume real shape, then they should not proceed in such a brutal manner as that in which the Norwegian revolution was accomplished. The other object is the friendly association of peoples and nations. If one dreams of a great association of peoples—and there are many who dream thus in Norway—even, perhaps, of a "United States" of Europe—it is not the right way to realize such an aspiration, to begin by dissolving a Union of ninety years' standing between two small peoples, who truly need each other far more than Norway needs her consuls.

A few years pass swiftly in the lives of the nations. And that the Union could have been founded on the basis of complete equality within a very short time, once the principle had been duly recognized by the Swedish Government, is beyond all doubt, provided, however, that the Norwegians had agreed to the necessary community in the management of the foreign affairs, with some restrictions upon complete independence. All effective associations require always some restrictions upon complete independence. The great desire of far-seeing persons in both countries is, however, after what has happened, that the chasm between the two nations may not be irremediably widened. These two peoples are destined to live on the same peninsula. They must, therefore, in spite of all, try to remain friendly. It is to be expected that some time will pass full of coldness and bitterness; but should these feelings continue to an indefinite future in the hearts of the two nations, then their unhappy fate is sealed.

KARL STAAFF.

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WORLD-POLITICS.

LONDON: ST. PETERSBURG: BERLIN: WASHINGTON.

LONDON, *July, 1905.*

WE in England felt, when the news of Mr. John Hay's death came, that America had lost her greatest Secretary of State, ourselves a friend whose stanchness was guaranteed by the perfection of his Americanism, and humanity a strong and laborious servant. The appeal that Mr. Roosevelt makes to the sentiments and opinions of England is, of course, wider and bolder than any that Mr. Hay made or could make. People who know nothing, and do not greatly care to know anything, about America are interested in Mr. Roosevelt and feel the attractiveness of his great, elemental personality. But for a right appreciation of Mr. Hay there were needed somewhat finer sensibilities and a more specialized knowledge; and these are not among the attributes of the masses in any country. The audience that Mr. Hay found in England was exclusively the best audience that England can provide, the most authoritative, the most experienced, the most capable of appraising him rightly as a man and a diplomatist. To have won as Mr. Hay completely won, not merely the esteem and admiration but also the affection of such a tribunal—a tribunal whose favorable judgments are not lightly given—cannot by any scale of international comparison be held a small achievement. The period of his Ambassadorship at the Court of St. James's was brief, a bare eighteen months; but it was long enough to make him known everywhere to London society and officialdom, and liked, more than liked, wherever he was known. The happy union in him of the virtuoso and the diplomat, the scholar and the man of affairs; the many-sidedness of his tastes, interests and experiences which made him, when he chose, a talker of such wide and entrancing compass; the singular sweetness of disposi-

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tion that graced a character all strength and fire; his mellow and vivacious eloquence—all these qualities and gifts, as Mr. Choate would be the first to testify, made upon London an impression of peculiar distinction. That impression deepened with every year of his service as Secretary of State. To regard for the man was added a cordial and unstinted recognition of his merits as a statesman.

I do not at all exaggerate when I say that in English opinion Mr. Hay gave a new tone, a new breadth and a new character to American diplomacy; a new tone, by maintaining in his official intercourse with other Governments that scrupulous courtesy and sense of form which he observed in private life; a new breadth, by adding to the list of American interests questions, such as the Far-Eastern question, that had hitherto been supposed to lie beyond their scope; and a new character, by making his passion for international justice and fair-dealing the key-note of his policy.

Before Mr. Hay became Secretary of State, there were three main grounds on which American diplomacy used to be criticised. It used to be criticised for its narrowness, its entire absorption in purely American problems, and its indifference to the far greater issues of that outside world from which it affected to hold aloof. Secondly, the conduct of American diplomacy used to be criticised for its disregard of international decorum, and at times for its downright rudeness. Europe could never quite understand how so progressive a country as America could tolerate being represented in her dealings with foreign Governments by a man who behaved as Mr. Blaine behaved, or who wrote "shirt-sleeve" despatches, like Mr. Sherman, or who corresponded with another Power in the tone of an angry, hectoring lawyer, like Mr. Olney. Thirdly, it was a common reproach to American diplomats that they displayed too carelessly the huckstering spirit and that they seemed too insensible to the bigger view—a reproach, I take it, that had its origin in the nature of some of the claims submitted to the Geneva court of arbitration. All such criticisms, however, ceased directly Mr. Hay's policy and personality began to make themselves felt.

It very soon became evident, indeed, that Mr. Hay was a man to whom world-views came naturally, who neglected none of the formulas of diplomatic politeness and consideration, and

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whose policy, so far from being petty, was inspired by a genuine humanitarianism not less than by an unswerving regard for American interests. Downing Street found it easy and delightful to negotiate with a man of Mr. Hay's stamp, and it is very possible that diplomacy reached its extreme height of straightforwardness, good sense, and mutual confidence when Mr. Hay and Lord Pauncefote or Sir Michael Herbert met together to discuss and settle the Isthmian Canal, the Alaskan and the Samoan questions. To have wiped three such intricate and contentious issues off the slate would be diplomatic monument enough for one man, even if it stood alone. But the removal of the last of the questions that for generations had kept England and America apart was far from exhausting Mr. Hay's achievements. In English opinion, his chief title to fame will rest on his expansion of the sphere of America's foreign activities. He permanently added the Far East to the list of American interests. He definitely committed his country to the maintenance of the open door in China.

Those are achievements, as England believes, not only important in themselves and now, but far more important for what must flow from them in the future. Mr. Hay, Englishmen assert, found America a world-power on the map and made her a world-power in consciousness, in mental horizon and in the sense of responsibility. They do not believe it will again be possible to revert to the days when America could avow her indifference to whatever the future might hold in store for China and the Far East; and they praise Mr. Hay for having accepted the consequences of the occupation of the Philippines with clear-eyed decisiveness, and for having at once set to work to formulate a conservative but far-reaching Chinese policy. With Chino-American relations, indeed, his name will be preeminently linked. I have heard it more than once declared by Englishmen that the only diplomat who came out of the Boxer troubles with credit was Mr. Hay. That was all the more remarkable as Mr. Hay had no personal knowledge of China, had nothing in the nature of an Asiatic Department to turn to, and was far worse off than his rival negotiators in the matter of "expert advice." Yet he beat them all, by bringing to bear on the problem a detached, unprejudiced and quick-moving mind; and it is well worth recalling, even at this date, how Mr. Hay stood out against the carnival

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of executions with which Christendom proposed to appease its wounded dignity; how he opposed the imposition of an overwhelming indemnity, the razing of the Taku forts and the permanent occupation of any portion of Chinese territory; how steadily he set his face against every proposal that smacked of mere aggressiveness; and with what pertinacity and success he used his influence on the side of moderation, humanity and justice. On the whole, that was, perhaps, the most brilliant episode in a career that was full of memorable achievements. It showed precisely that union of practicality with imagination and sympathetic insight that made Mr. Hay so much more than a mere adroit bargainer—made him, in short, a true statesman.

It is believed by those Englishmen who have followed his career, or who met him in London when he was serving on the Alaska Boundary Commission, that Mr. Root, too, has the instincts and perceptions of real statesmanship. He starts in his new office with the heartiest good wishes and the complete confidence of the English governing classes. A decade ago, the advent of a new American Secretary of State meant for England a period of some anxiety. There is now no anxiety whatever. It is taken for granted that, in all that concerns the relations of the two countries, Mr. Root's policy will be Mr. Hay's. England wants no more than that.

A debate in the House of Commons, on Thursday, July 6th, raised one of the most serious questions that can confront a democracy—the question of the position, rights and remuneration of Government employees. The State is, of course, by far the largest employer of labor in the United Kingdom; and, apart from the Army and Navy, the Department of the State with the greatest staff of employees is the Post-office, which in England includes the telegraph services. For a good many years, the Post-office servants have been agitating for an increase of wages and an improvement in the conditions of their work; and, being a well-organized body and able to bring a certain amount of political pressure to bear, they have usually succeeded in getting what they wanted. About ten years ago, for instance, a Parliamentary Committee, appointed to investigate their grievances, increased their wages by $3,000,000 *per annum*. Five years later, another Committee granted further concessions; but, as the pressure was still maintained, Mr. Austen Chamberlain appointed in

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1903—he was then Postmaster-General—a small Committee of five "to inquire into the scale of pay received by postmen, sorters and telegraphists, and to report whether, having regard to the conditions of their employment and to the rates current in other occupations, their remuneration is adequate." Instead, however, of acting up to the terms of its reference the Committee (known, after its chairman, as the "Bradford Committee") entirely neglected to compare the wages paid by the Post-office with those obtaining in other employments. In other words, they ignored the one point on which the taxpayer really desired information.

What the average Englishman wants to know is, are postal servants fairly paid, having regard to the pay for corresponding work in the open labor-market?

This question the Bradford Committee made no attempt to answer.

They contented themselves with making a variety of recommendations, which would cost the nation about $6,500,000; chiefly in increased wages. The Post-office employees, naturally enough, were jubilant over the Committee's Report; and last January sent a deputation to the Postmaster-General (Lord Stanley) to urge its immediate adoption. Lord Stanley, however, in a very straightforward and manly way, told them point-blank that he intended to pay no attention to the Report, which he regarded as inconclusive and incomplete, and that in any recommendations he might make he would be guided solely by the evidence tendered to the Committee. He then proceeded to outline to the deputation the improvements he was contemplating—improvements that would cost the State some $1,800,000 a year, as against $6,500,000 proposed by the Bradford Committee and $12,500,000 asked for by the employees themselves. The deputation did not pretend to be satisfied with the Postmaster-General's answer and threatened to make themselves heard from again.

Since January, this threat has been carried out with an effrontery rare, if not unique, in latter-day English .politics. There are 183,000 postal servants, and there are 670 members of the House of Commons. That gives an average of 270 Post-office employees to each seat. In some constituencies, they are said to hold the balance of power; in all they can be organized into a political force that is worth placating. Every M.P., accordingly,

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and almost every candidate, has for the past six months been bombarded by letters and circulars, warning him of a determined opposition at the polls unless he votes for the adoption of the Bradford Committee's Report in its entirety. Lord Stanley, during the debate on July 6th, read out to the House an appeal which had been circulated among the Post-office employees for the purpose of bringing pressure on the House of Commons: "Two-thirds, at least, of one political party are in great fear of losing their seats. The swing of the pendulum is against them, and any Member who receives 40 or 50 such letters (*i.e.*, letters from Post-office employees in his constituency) will under present circumstances have to consider very seriously whether on this question he can afford to go into the wrong lobby." Lord Stanley hotly denounced such tactics as "nothing more or less than blackmail," and declared that both parties would have to work together in devising means "by which there should not be this continual blood-sucking on the part of their servants." Nevertheless, 205 Members went into the lobby against him, thus signifying their opinion that the recommendations of the Bradford Committee were entirely reasonable, and that a Department which makes a yearly profit of four or five million pounds ought to refund, say, a million and a half in increased wages to its employees. There is a section of the postal servants which demands that *all* the profits earned by the Department should go into the pockets of the employees, and I see no reason why they should think their goal unattainable under present conditions. Every time the Postal Estimates are discussed in the House, there is a prolonged attempt "to force the Government of the day, against its sober judgment, to spend the public money in raising the pay of its servants."

That is an ominous and disgusting fact, and no escape from its consequences seems possible unless all civil servants on the active list are disfranchised, or unless the conditions of their service, financial and otherwise, are regulated by a quasi-judicial body, independent of Parliament, and beyond the reach of electioneering pressure—a body that would resemble the conciliation and arbitration boards in the industrial world. To some such solution we may have to come. Otherwise, there is a very fair chance that the public employees, municipal as well as State, will gradually eat up the profits of their respective departments.

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ST. PETERSBURG, *July, 1905.*

THE disaster at Tsushima which left Russia without a navy and thousands of families without sons, brothers and husbands, made no deep impression either on the fashionable circles of the capital or on the rulers of the Empire. Summer theatres were filled as usual, music-halls were crowded, and the leafy lanes and ornamental waters of the islands drew the usual number of visitors from the dusty streets of the metropolis. In a word, gaiety reigned in the city of the bureaucrats, whose sense of dignity eliminates vulgar emotion for national misfortunes. And, by way of keeping up the illusion, the official journal boldly denied the defeat. Like Philip of Spain, when informed of the destruction of his Armada, the Russian bureaucracy bore the loss with dignified equanimity, and silently made ready to offer up further myriads of lives between Harbin and Vladivostok. Food for cannon is plentiful in Muscovy: the peasants are lambs to obey and tigers to fight, and the patriotism of the Autocracy can bear philosophically the destruction of tens of thousands of mujiks. There are as good fish in the sea as ever came out of it, and ships and guns the Germans and French will readily supply so long as the peasant farmer has any substance or his fields produce wheat and rye. Why then end the war? Mobilization was accordingly carried on in secret, reservists were mustered in the dead of the night and officials informed the country that, Japan being on the eve of bankruptcy, it was meet and proper that the war should be continued with vigor until she suspended payments. The loss of prestige, the loss of money, the loss of human life seemed endurable enough. Nay, far more serious losses than these produced no more lasting impression on Russian officialdom than rain-drops falling on a duck's back. "Try, try, try again," were the only words of comfort uttered to the humiliated nation.

Very different was the effect of the naval disaster upon the Russian people. For it is their blood and money that have been squandered, and it is their future and the well-being of their children that are being recklessly gambled away. They accordingly stiffened their backs and called on the government to desist from further bloodshed. Their spokesmen pointed out that already bankruptcy stared the Autocracy in the face. The war debt is enormous: even if not further increased, it will swallow up the margin between the favorable balance of trade and the growing

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service of the foreign loans—the margin which alone renders borrowing possible. And that total sum of indebtedness must of necessity be added to, and very sensibly. For, even if the nation could dispense with a formidable navy, it cannot but build some new battle-ships after the war, while the cost of guns and the expenses incidental to internal reform will absorb tremendous sums. This enormous outlay must be provided for out of the proceeds of fresh taxes or of new loans, whereas the economic condition of the population, impoverished by decades of heartless extortion, calls for a lightening, not an increase, of the crushing burdens. In a word, the economic and financial problems are arduous—almost insoluble, indeed, as things now stand: but, if the war be carried on, they will become veritable sphinx-questions, with ruin as the penalty of failure to answer them. The straits to which the Treasury is reduced are much worse than outsiders generally suspect, and the shifts to which it is tempted to resort give one a glimpse of the hopelessness of the situation. Proposals for mortgaging certain state railways have been entertained, if not accepted, by the Finance Minister; offers for the exploitation of Crown lands and forests are under consideration; while the mites earned by the poor people are surreptitiously appropriated by the authorities and spent—nay, squandered—in the ventures which are precarious from a financial point of view, and ethically reprehensible. The Russian people learned quite lately to its dismay that about twenty million dollars had been asked for and received by a certain M. Balashoff, a comrade of Bezobrazoff's, in order to work the Yalu concession in which Grand-Ducal capital was largely invested. And these twenty millions were, it is further alleged, taken, at Balashoff's express request, from the Savings-Bank and therefore represented the economies of the laboring class which ought to have been inviolable. For this flagrant breach of faith, which is by no means isolated, runs counter to the laws of the Empire and the interests of the Autocracy.

These facts, becoming known, thrilled the people with indignation, and lent force to their demand that the war be stopped. Their representatives assembled in Moscow, passed strong resolutions and asked to be received by the Tsar. At first this request was scouted as presumptuous. They were all misdemeanants, it was argued, having met in defiance of the Imperial commands, founded a newspaper which had to be confiscated, and adopted

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resolutions hostile to the régime. Besides, they had no official status and were much too numerous. Other grounds were also adduced in favor of a refusal, but the shrewdest of the Tsar's advisers were for gracious compliance with the reasonable request; and this was finally decided upon. Prince Trubetskoy, the spokesman of the delegation, left no doubt in His Majesty's mind about the views and the feelings of the people. In the Prince's speech a spade was called a spade, and Imperial favorites were alluded to as "presumptive traitors"; "danger to the nation" and "ruin to the dynasty" were included among the contingencies of the near future and the consequences of the present policy, while the monarch was suasively, almost tearfully, adjured to save his people by convoking their elected representatives. The Tsar's reply is historical and—legendary. This remarkable dialogue between ruler and ruled, between the heaven-sent and the earth-born, sank deep in men's minds, was in fact an event more impressive and exceptional in the domestic affairs of the empire than the annihilation of the navy in its international existence. The condescension of the monarch was a landmark of itself, for it implied the recantation of the autocratic principles which he had hastily laid down on coming to the throne. And what his attitude suggested was amply confirmed by his discourse. The bold initiative and the frank words of his subjects called for and received his cordial thanks. He discerned their motives, he said, and appreciated them; he understood their demands and would concede them. His promise to summon a representative assembly would, therefore, be fulfilled in the spirit as well as the letter, and the sooner and wider this resolve of his was known the better for all concerned. The monarch and the nation must henceforth be one.

The country seemed saved from anarchy, and the danger of civil war was averted. Great, therefore, was the gratitude of his subjects to the Autocrat who had met them half-way. If the grandfather deserved the name of "Emancipator," they said, the grandson merited the title of "Preserver." Preserver of what? Of his own unbounded power and prerogative, answered the courtiers. For after every public utterance of the Monarch comes an official commentary, explaining, restricting, modifying the concessions made; just as after every liberal statute promulgated in the Empire ministerial circulars are issued limiting its scope and sometimes suspending its operation. It is the antidote of reaction

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administered after the poison of liberalism. It was thus after each of the ukases or rescripts issued by Nicholas II, ever since the conflicts between himself and his people became acute. "The Tsar giveth, and his Minister taketh away," is the formula. And, in the present case, the statement emanating from the Ministry was peculiarly offensive. The Autocrat's will, it said, never changes: therefore he cannot concede to-day what he refused yesterday. He has never swerved from his express determination to maintain all his rights intact. Therefore, there can be no constitution, no parliamentary government and no such popular institution as the Zemstvos demand. The will of the Tsar is supreme. Nothing, consequently, was or could have been said by His Majesty incompatible with those principles. The newspapers which deny this and seek to lead the people astray must be gagged, and the nation must assimilate the doctrine that the Tsar is and must remain the sole ruler and his will the supreme law.

This "rectification" came like a wintry blast on a sultry day. It froze any warmth of feeling for the Tsar which had been preserved, amid difficulties and doubts, by the most loyal subjects in the world. But many refused to credit the explanations of the officials, which were set down as an afterthought. In truth, Nicholas II must have meant what he said, his words being too clear to admit of diverging constructions. He had yielded to the impulse of the hour. And now his friends were come to save the autocratic principle by compromising the person of the Autocrat. They effectually undermined his credit with his subjects, and now public faith in him is gone: how long he will be mechanically obeyed is a different and a more delicate question.

But the present, however, is no time for mere words, and it behooves the Tsar to act, reveal his policy and lead his people. This, too, he attempted—he or his friends—by secret mobilization, the clandestine roll-call of reservists at night, by awkward ill-advised efforts to raise money for the war. And it was here that his people joined issue with their sovereign. Such a wild outcry against further bloodshed was raised throughout the Empire that its weird echo must have been heard within the palace of Tsarskoe Selo. Peasants, soldiers, officers, journalists, priests, merchants, women, Ministers of State and courtiers indignantly or fervently asked for peace. Even the Tsar's personal friends, men like Prince Meshchersky, declared that the further wanton sacrifice of human

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lives would be a crime against every high principle and every respectable interest. The "Russkia Vedomosti," the most moderate and influential journal in all Russia, wrote:

"After a whole series of defeats on land and the destruction of our fleet, which reveal the utter breakdown of our system of government, to persist further in waging war without the slightest chance of success would be an act of madness on which our bureaucracy will hardly venture after having vainly awaited victories which were to save us from domestic troubles."

Another of the Tsar's personal friends, Prince Ukhtomsky, who had always been for the war, gave utterance to mournful lamentations in "The Dawn":

"Without the light of reason, without a definite goal, without faith in to-morrow, we are drifting onwards encircled by phantoms and abysses. The very worst that could befall us has taken place: discrowned on the field of battle, we are as near to bankruptcy in our domestic affairs as in the balance-sheets of foreign politics. . . . Russia is on the eve of unparallelled convulsions. This truth should be proclaimed in loud and ever louder tones before it is too late."

The liberal Russian newspapers published caustic etchings of the men who run the Autocracy. They described the money-grabbers, like Bezobrazoff and Balashoff, who had wormed themselves into the confidence of the Tsar who seems inaccessible to honest men, and had launched Russia on a policy of fatal adventure in the Far East, for which the nation had paid over a milliard roubles before the war and another milliard down to the battle of Tsushima, or say one thousand million dollars. And the result? The loss of Russia's reputation as a Power to be trusted, the loss of her influence among the nations of the globe, the loss of hundreds of thousands of human lives, the impoverishment of scores of millions of men and women, and the enrichment of a few unscrupulous schemers who hide behind Majesty's purple robes. Whatever else may go on, that must cease, people said by way of comment. And this resolve was strengthened by the revelations then published about the doings of the greedy concession-hunters who still enjoy the confidence of the Autocrat.

Nicholas II had raised the dishonest scheme for concession on the Yalu river to the level of a grand national enterprise. He had had twenty million dollars taken from the Savings-Bank and presented to one of the carpetbaggers. And no questions have ever since been asked about the value received, nor the way in which the money was to be expended. "An enterprise of national

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importance" it was officially termed, and all the rest was silence. It has been hushed up, like so many other deeds of darkness which will be recorded in Memoirs and Reminiscences trimmed with the embroidery of fiction after the fall of the Autocracy. Other startling disclosures appeared about the way in which the campaign against Japan was carried on, tending to show that the masses are being treated as mere weapons and recklessly shot at the enemy by the privileged few. The Viceroy Alexeieff, for instance, in whose veins the blood of the Romanoffs is believed to circulate, surreptitiously as it were, behaved throughout like an Oriental despot. Travelling in his train, which was a sumptuous palace on wheels, he caused all war traffic to stand still that he might sleep at night and not be disturbed by the shrill whistle of locomotives. In consequence of this precaution, reinforcements destined for the front had to be kept back until his "High Excellency" awoke from his slumbers, while the Japanese pushed unceasingly forward, winning battle after battle. Kuropatkin imitated Alexeieff, Grippenberg followed the example of Kuropatkin, and at last so many cars had been commandeered by the gallant inmates of these luxurious trains that mere officers and passengers had to travel in trucks. "I know cases," writes the "Novoye Vremya" correspondent, "when the authorities were face to face with this dilemma: ought they to convey the wives of certain officers or a number of wounded soldiers? and in two of these cases the preference was given to the ladies." Nay, the very cows of the generals shared the privileges of their august owners, and kept the traffic irregular. One cow hindered the movement of all trains for twelve hours, after which it was comfortably placed. Altogether, the rage for comfortable trains became so great and unreasonable that the generals left the railway line very unwillingly, and seldom without stronger pressure than the still small voice of duty.

In the navy, things were quite as bad. The material of which the ships were built lacked durability: the metal, the boilers, the machinery, were often of inferior quality, because tenders had been accepted less on their own merits than for the attractions which the firms offered. The highest bribe sometimes ensured the acceptance of the least desirable offer and exposed the future crew to needless dangers. Rojestvensky, just as he was about to steam from Libau, received from an express messenger an official warning from the Marine Ministry, informing him that in rough

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seas the stability of the "Suvaroff," and other ships of the same type, was much less than it ought to be, and enjoining him to apply such remedies as might suggest themselves, without however allowing the secret to leak out. During the night of the Hull incident, when the windows were opened before the three-inch guns, the waves burst in, flooding men and cannon. In the "Orel," one of the guns got partly filled with water and burst when the next shot was fired. If, in the case of the navy, the interests of the nation had been consulted to the same extent as the comfort of the adventurers who were ruining the nation, the Russian armada would have made a much better show at Tsushima. Every trip of M. Bezobrazoff to the Far East cost $100,000. He distributed gratuities and loans to his partisans at Port Arthur amounting to a million dollars, while the military authorities there could not raise funds enough to complete the fortifications. And when the Viceroy gave a banquet—in honor of M. Bezobrazoff—a cruiser brought flowers from Japan for the entertainment.

Those are types of the personages, as we now know them, who monopolized the Tsar's confidence and the nation's money and blood. For them no luxury was too costly, no honor too great. Of the manhood which supplied the funds for the campaign and the food for the cannon, we discern admirable samples through the gray mist of official legend. Here is one. In Port Arthur, Joseph Trumpeldor of the 7th Company presented a report of himself in which the following passage occurred: "I have been wounded, and have now only one hand, but it is the right hand. As I should like to go on fighting together with my comrades, I have the honor to ask for a sabre and a revolver." That is the heroism by which empires are built and races ennobled. The regimental order of the day which held up this example for imitation commented upon it thus: "These words ought to be inscribed in letters of gold in the history of the regiment; more particularly because Trumpeldor is a Jew." The man's petition was granted, not however without difficulty. To promote a mere Jew to be a non-commissioned officer amounted to a breach of wholesome tradition. Ultimately, however, it was done; but the writer of the order deemed it necessary to apologize for this departure, in his official report. A man whose religious views differ from those of the Tsar, as Trumpeldor's differed, cannot wash out the stain even in his life-blood, while friendship with the Autocrat such as

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was enjoyed by Alexeieff, Bezobrazoff and Balashoff, Kuropatkin and others, operates like charity covering a multitude of sins.

A campaign against Japan under these conditions is really, the press argued, a war of the Autocracy against the people and cannot be brooked. The mobilization ought, therefore, to cease; and, if the ruler will not discontinue it, the people should stop it. This spirit of independence grew; in some places it became a spirit of revolt; and, when the spark fell near Odessa, in Libau and elsewhere, the inflammable stuff caught fire, and internecine strife began. Brother rose up against brother, monarch against people. Blood flowed in the streets of Odessa, as it had flowed in the streets of Nakhichevan; public buildings and private houses were burned, reduced to ashes; the guns of the "Prince Potemkin" opened fire on the city; riots, massacres, free fights accompanied the welter of chaos. Even in England and the United States, as well as in France and Germany, the word "revolution" was at last pronounced in the meaning attached to it since 1789.

Americans and Britons assume that, so long as the troops are willing to use bullets and bayonets, a revolution in Russia is impossible. For the revolutionary centres are far apart, and can never be in close touch with each other, and the masses lack organization. Only if the troops fraternize with the population is there any real danger to the Autocrat. That view of the situation is, I submit, open to question. Even if it were quite certain that Nicholas II will never willingly share his power with his people, it would not follow that the only hope of constitutional government is in a revolt of the soldiery. The Russians themselves hold that a general rising of the peasants might be a much more terrible, but not less effective, means of accomplishing the needed change, but they do not desire it. The abdication of Nicholas II might lead to a maximum of reform with a minimum of national discomfort. Public opinion in the Tsardom—such public opinion as recent events have called into being—favors this last solution, but leaves its application to Fate. Nicholas II is no longer the Little Father of his people. What the ancient Hebrews termed the glory of Jahveh has departed from him. He seems stricken with psychical palsy. What he gives with one hand, he abstracts with the other; what he affirmed yesterday, he denies to-day; what might be a beneficent choice, he leaves until it becomes a baleful necessity. So long, therefore, as he reigns, bureaucracy and its

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intolerable plagues will rule and ruin the nation, and for this reason public opinion hopes and prays for his abdication. It is he alone who refuses to conclude peace: he alone who rejects the demand for a constitution under which he would wield more real power than as nominal Autocrat, and it is he only who sacrifices the lives of his best subjects, in order to perpetuate a system of corruption and iniquity which only Russians would have borne with so patiently and so long. How then will order be evolved from chaos?

If the army prove faithful and Nicholas remain obstinate, the Zemstvos may possibly become enterprising enough to call upon the intelligent classes to give no assistance, and on the peasants to pay no taxes, to the Government of the Tsar. But, whatever turn affairs may take, it is obvious that the Russian people is in revolution, and that the Autocrat, as champion of a corrupt bureaucracy, is playing a losing game.

BERLIN, *July, 1905.*

WHAT are the real aims of Germany in foreign politics? With the professed object of returning an "effective" answer to this question, Mr. Arnold White, not long since, decided "to take off the gloves and write of things as they really are, not as they seem to be under the banal conventions of a jejune journalism."

The picture Mr. White draws of Germany would be heartrending if it were correct. He tells us that the food of the poorer classes is "not only unappetizing but abominable," that the working classes "herd like animals," that children "frequently commit suicide" owing to the tendency to "militarize everything," that the Army is drifting towards decadence and the Empire towards bankruptcy, that the bureaucrats are overbearing, the rich Jews insolent, and the aristocracy arrogant, that advanced thought is dying out, that the providence of the State is but a "pitiless travesty," and that the great bulk of the population is discontented. The authorities, he adds, represent Great Britain's hostility as the origin of all this mischief. Can Mr. White have fallen a victim to the "April fool" journalism of Germany? German writers cast dignity to the winds on the one day in the year when they are privileged to fool their readers. Foreign

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journalists have succumbed more than once to this curious custom of travestying facts, and have telegraphed to the four corners of the earth the portentous announcements which regularly appear in the German press on April 1st.

It is, for instance, far from being the case that "the petty war in West Africa" has disorganized the Imperial finances, for the necessity of reforming those finances was recognized many years before the outbreak of the Herero and Hottentot revolts. The question is one not of bankruptcy, nor of inevitable deficits, but merely of reorganization. Numerous and abundant sources of revenue are still untapped in the German Empire. Neither tobacco nor spirits are as heavily taxed as they are, for instance, in Great Britain. Legacies are practically unburdened. The Imperial Secretary of the Treasury, when he introduces his Bill for the Reform of the Finances next autumn, will be at no loss to show that Germany is capable of sustaining the expenses of the Empire without any excessive straining of her resources. Some of the smaller States, it is true, have suffered keenly from the existing system of finance, and it is mainly in their interest that the pressure of taxation is to be differently distributed; but the larger States, with the exception of Saxony, are in a condition of enviable prosperity. No less than two-thirds of the national debt of Prussia is in the form of capital invested in railways and other profit-making concerns, which are paying large dividends and are lightening very materially the weight of taxation. As to the social legislation of the Empire, it is far from "crumbling to its doom," but is being systematically developed, and raised slowly but surely to higher standards of usefulness. So much is admitted even by the Social Democrats, who are unconsciously undergoing a process of transformation from a party of dogmatic revolutionaries into a political organization with very positive and practical ideas of reform. Loudly as the Social Democrats may rant, the fact remains that they are secretly proud of the degree of civilization achieved by the German Empire. Involuntarily they acknowledged this at the time of the Königsberg trial, when they dwelt furiously on the disgrace to the Empire, implied by the comparison of its legal conditions with those prevailing in Russia. Undoubtedly much misery exists in Germany, as it does in Great Britain and the United States, but the manner in which its rulers are grappling with the problems of poverty should be,

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and is, a cause of emulation, and not of ignorant condemnation, to the administrators and publicists of other lands. Not misery, however, but increasing prosperity, leading to greater comfort and happiness, is the cardinal feature of an Empire where the Savings-Bank deposits of the working classes are accumulating at a more rapid rate even than in the United Kingdom.

Mr. White asserts that "the overbearing behavior of the military and of the bureaucrats" is "intolerable." To whom? The German people are vastly different from the British and American. They love freedom less than "order"—for "*Ordnung muss sein*"—and are filled with anything but hatred of the bureaucrats, who taken as a whole are a remarkably able and enlightened set of men. "Red tape" the bureaucrats, of course, waste in alarming quantities, though after a residence of ten years in the country I have come to the conclusion that they employ less of it than was formerly the case. They are, moreover, keenly sensitive to public opinion, to a decided expression of which they invariably defer. Of deep-rooted hatred of the "bureaucrats" there is no trace. Has Mr. White never made the acquaintance of that indignant German who left England after a sojourn of three months, because in all that time not a single policeman had troubled to inquire the object of his visit, the number of his dwelling, and the date of his birth? That man, who is a typical German, cherishes a profound contempt for England as a country where there is no Government, and no care is taken of the individual. As for the Army, it is, despite the admitted evils of militarism, which no one wishes to deny, still the pride of the nation. Universal military service cannot fairly be described as unpopular in Germany. It has conferred untold benefits, both of an educational and physical character on the people, who, while loving peace, glory in the constant readiness of their country for war.

But though the nation and its rulers are conscious of possessing in the Army an almost perfect instrument for defensive and offensive operations, they are wholly innocent of the crime of wanton aggression. The history of the German Empire in the last thirty-five years is a magnificent record of progress in the peaceful occupations of industry, science and internal consolidation.

Mr. White says that the Jews are "omnipotent" in Prussia and that the Jews want a war that will deflect the ambitions of the

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Emperor from the German provinces of Austria. Are the Jews then military men? Despite the fearful power which, according to Mr. White, they wield in the councils of the Emperor, they have not yet succeeded in gaining admission for a solitary member of their race into the commissioned ranks of the German Army. In Austria matters bear a very different aspect. There the Jews are not excluded from the Army. Some of them—witness General Popper and General Schweitzer—have even risen to exalted rank. Anti-Semitism in Austria is of a religious rather than of an economic and political character. It is fomented mainly by the Clericals, and does not seriously damage the business prospects of the sons of Israel. To contend that the Austrian Germans, if incorporated with the German Empire, would destroy the omnipotence of Jewry is therefore erroneous, if for no other reason than that the Jews, so far from being omnipotent, are politically almost impotent in Germany. Even the great Banking Houses have been "baptized," and it is with the "baptized" houses that the State has its dealings.

As for the German ambition to "find an outlet on the shores of the Adriatic," it is to be met with, if at all, among the Pan-Germans, who really are not the "bloodthirsty" creatures they sometimes represent themselves to be. What they aim at, in the event of the break-up of the Dual Empire, is the association of its German provinces in a kind of federal union with the German Empire. But, so far as the German Government is concerned, that is a consummation by no means to be devoutly wished; for it must not be forgotten that the Austrian Germans are Roman Catholics and that the Roman Catholic element has already assumed formidable proportions in the political life of Germany. In the Reichstag the black-coated "Centrum" is the strongest party. If the forces of that party were to be recruited by the votes of millions of Austrians the religious equilibrium of Germany would be entirely upset, and the Hohenzollern Empire as a great Protestant Power would practically cease to exist. The Pan-Germans have endeavored to overcome this difficulty by suggesting that the Austrian provinces shall not be represented in the Reichstag, but shall be included in the military and tariff systems of Germany. But the Government would not approve even of this form of union, which would signify the definite abandonment of the rest of Austria to the Slavonic races. Hence it is that we find an

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authoritative exponent of the views cherished by the Emperor William exclaiming in this month's "*Deutsche Revue*" that, if it should ever become necessary, Germany would fight, not to dismember, but to preserve the integrity of Austria.

The German Emperor has never harbored the design of attacking Holland. His closest advisers are convinced that aggressive action against the Netherlands would be not only criminal, but diametrically opposed to the best interests of Germany, which is too much embarrassed by her Poles, Danes, Alsatians, and Guelphs to cherish any longings for the inclusion within her borders of another five millions of irreconcilables. The aim of German policy is rather to convince the Dutch that Germany is desirous of protecting them and their colonies from the aggressive schemes of other lands. So far the Dutch have viewed the advances of Germany with suspicion, and have refused to enter into closer relations with their mighty neighbor even for postal purposes. The Pan-Germans hope ultimately to convert them to a more appreciative sense of the benefits to be derived from an alliance and a tariff union with the Empire; and there is small room for doubt that the propaganda enjoys the secret encouragement of the Government. But from a campaign of persuasion to one of force is a far cry.

The German Emperor, in the fifteen years of his reign, has at all events shown absolutely no symptoms of a desire to adopt buccaneering principles.

It was shown in a former communication to these columns that the Kaiser has watched with a sense of growing irritation the endeavors made by more than one foreign statesman to isolate Germany in the councils of Europe. That irritation has not yet developed into nervousness. Indeed in his latest oration to the world the German monarch expressly stated that he was determined that the bayonets and guns of his Army should never be employed in warfare so long as the honor of Germany remained unassailed. He had sworn a solemn oath, he added, that he would not strive to acquire the barren glory that results from wanton conquests. Upon that promise, which was made to the world, I am convinced the world may rely.

If the peace of Europe is endangered at all, the menace is due to the alarming growth, both in Great Britain and Germany, of the vice of national intolerance and rancor.

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WASHINGTON, *July, 1905.*

THE month of July, 1905, will be marked in the records of our State Department by the decease of Secretary Hay and the accession of Secretary Root, as the month of August will be remembered as that in which the conference of the plenipotentiaries of Japan and Russia at Portsmouth, New Hampshire, bore witness to the success of an American President's interposition for the purpose of terminating a war in the Far East. The foreign diplomatists, who have watched at Washington Mr. Hay's conduct of our exterior relations, have had a view-point sufficiently detached to be good judges of his aims and his achievements, and for that reason it is probable that their contemporary verdict forecasts the judgment of the historian. They have been too close to one of the *foci* of international activities to make the mistake committed by some American daily newspapers, which have credited to the late Secretary some performances with which he had nothing to do, and they do not shut their eyes to the fact that the things which he actually accomplished fell considerably short of his hopes and his intentions. They know, for example, what some journalists seem disposed to overlook, that Mr. Hay was neither the first nor the second Secretary of State under the McKinley Administration, and that, being at the time the Ambassador of the United States at the Court of St. James's, he took no part in the framing of the protocol which stopped hostilities between the United States and Spain, or in negotiating subsequently at Paris the definite treaty of peace. When Mr. Hay assumed the headship of the State Department the Spanish War was a thing of the past. There was no lack, however, of important problems to solve. There was, for example, the Clayton-Bulwer Treaty, which, for half a century, had been apparently an insuperable impediment to the cutting of an interoceanic waterway through the American isthmus, because it seemed scarcely expedient or reasonable that the United States should construct at their own expense a canal, of the commercial or strategic advantages of which our country would be only a joint beneficiary. Mr. Hay's tenancy of the State Department will long be associated, in the American public mind, with the supersession of the Clayton-Bulwer Treaty by a convention which assured to us on the Isthmus benefits and privileges commensurate with the burdens and responsibilities which we assumed. The fact, however, will

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not be lost sight of by the foreign diplomatists stationed at Washington that the existing substitute for the Clayton-Bulwer Treaty is not the document originally framed by Mr. Hay, for that the Senate refused to ratify. On the contrary, it is an instrument deliberately contrived to meet the objections advanced by certain influential Senators, and, therefore, it may be accurately described rather as an outcome of Senate criticism than as an embodiment of the compact to which Mr. Hay and Lord Pauncefote originally set their names. Nor are the representatives of France and other European Governments, or the agents of the British colony of Newfoundland, likely to forget that Mr. Hay failed to secure the Senate's sanction of reciprocity treaties, which had his own cordial approval. It must also be owned that Mr. Hay's exemplary desire to make his country a prime mover in the elimination of war, by committing it to a series of arbitration treaties, was not destined to know fruition because it encountered obstruction in the Senate. After all allowances, however, have been made by first-hand and impartial observers, for the considerable gap between what he strove to do and what he actually did, it will cheerfully be acknowledged that Mr. Hay's occupation of the Department of State under parts of two administrations was distinguished by three events which reasonably may be looked upon as landmarks in the history of American diplomacy. We refer to the creation of an intimate understanding between the United States and Great Britain, less definite, of course, but, perhaps, not less trustworthy and fruitful, than a formal treaty; to the enunciation of the far-reaching and epoch-making Roosevelt corollary to the Monroe Doctrine; and to the arraying of the physical power and moral influence of the United States on the side of the political independence and territorial integrity of the Chinese Empire. Whether we look at the startling novelty or momentous consequences of these State strokes, we cannot but testify that the author of them is qualified to challenge a place of eminence among the tenants of the State Department.

When Mr. Hay exchanged the embassy to the Court of St. James's for the office of Secretary of State,—an exchange which had not been made since it was made by James Buchanan—and began the *rapprochement* between the United States and Great Britain, which is justified by a community, not only of race, language and sentiment, but, above all, of interest, only about two

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years had elapsed since Mr. Cleveland's Venezuela Message had given Englishmen a shock of indignation and disgust. It is hard for Americans, now that they are thoroughly awakened, on the one hand, to the sincerity of Venezuela's gratitude, and, on the other, to the value of England's cooperation in the Far East and elsewhere, to understand how it was possible for Mr. Cleveland's Message to evoke an impulsive, instantaneous, fervid, and almost unanimous chorus of approbation from citizens of the United States. The fact that, if a similar declaration were put forth to-day, with the same ostensible intention of plunging this country into war with England for the sake of compelling a submission to arbitration of a petty dispute concerning the boundary of a mongrel Latin-American commonwealth, would probably meet with a different reception, may be attributed to three causes: first, to the forbearance and magnanimity with which Lord Salisbury, rather than accept the responsibility for war with a kindred people, sacrificed his personal dignity and pride by assenting quickly to an arbitration which previously he had repelled; secondly, to the unstinted sympathy which Americans encountered in England during the recent war with Spain, and which, compared with the rancorous dislike exhibited to them at the time in Continental Europe, had the effect of an oasis in the desert; and, thirdly, to a recognition of the truth that, since events have compelled us to give hostages to fortune in Porto Rico, the Panama Canal strip, Hawaii, Guam and the Philippines, the friendship of the greatest naval Power on earth has become to us of very great importance, if not indispensable. It is to the abiding credit of Secretary Hay that these reasons for a reversal of our former attitude toward Great Britain swayed his mind and shaped his course from the moment that he assumed control of our State Department. What was a purely instinctive, and might possibly have been a fugitive, tendency became in his hands an avowed, a deliberate and probably an unchangeable policy—unchangeable, at all events, so long as the British people shall exhibit the appreciative and propitiatory spirit which was exemplified in the attitude of the British member of the Court which decided the Alaska Boundary controversy.

Mr. Hay's occupation of the State Department was indisputably contemporaneous with President Roosevelt's formulation and practical application of his new interpretation of the duty im-

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posed by the Monroe Doctrine on the United States, as regards their relation to Latin-American republics. The Monroe Doctrine, as formerly construed, laid upon us an obligation toward the Latin-American commonwealths alone; it held us in no wise responsible for the delinquencies of which they might be guilty toward European Powers. That is to say, the Monroe Doctrine placed us in the anomalous and illogical position of the guardian of a minor, who protects his ward from being sued personally, but refuses to be sued in his place and stead. Mr. Roosevelt took the logical ground that if we say to European Powers, "You shall not enforce the liquidation even of just claims against a Latin-American debtor by the confiscation of the debtor's territory, or by any other measure calculated to affect the debtor's destiny," we must also hold ourselves accountable for the non-commission by our ward of acts that might be punished, and perhaps could only be effectually punished, by confiscation of territory, if committed by non-American nations. The announcement of this new conception of our international duty was made by Mr. Roosevelt soon after his perception of the possible irreconcilability with the Monroe Doctrine of the blockade of Venezuelan seaports by European creditor Powers, and the subsequent temporary sequestration of the customs revenues of La Guayra and Puerto Cabello for the benefit of the creditors concerned. He then announced the principle, and he has since applied it by agreeing to exercise, pending the ratification of a treaty to that effect with the Dominican Republic, the functions of collector and distributor of the customs revenues of Santo Domingo. Now, it can have escaped no close observer that Secretary Hay, personally, took no part in the defence of this novel graft upon the original Monroe Doctrine, which defence, on the contrary, was left to President Roosevelt himself and to Mr. Root, then Secretary of War. Neither are attentive readers of influential newspapers likely to have overlooked a letter of Secretary Hay's, which was posthumously printed in "The Sun," from which it is an unavoidable inference that the rejection by the United States Senate of the treaty authorizing our Government to collect and distribute the customs revenues of the Dominican Republic would have been witnessed by the writer without an atom of regret. We are justified, therefore, in assuming that the late Secretary of State tolerated, rather than originated, what has come to be

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known as the Roosevelt Corollary to the Monroe Doctrine. He did not publicly protest against it; much less did he emphasize his remonstrance by a resignation of his office. It follows that, as history is written, the proclamation of a policy which may have for the New World momentous consequences is likely enough to be credited to Mr. Hay's administration of the State Department.

Whatever may have been Mr. Hay's personal relations to the new and discursive exposition of the Monroe Doctrine, there is no doubt that he merits all or most of the honor for the wise, unselfish and high-minded position taken by the United States with reference to China's future. When Chinese and other Oriental witnesses come to be heard at the bar of history, there can be no doubt as to the verdict that will be passed upon the monstrously inordinate pecuniary indemnity extorted by the allied Powers from the poverty-stricken Pekin Government for the so-called Boxer outrages, which, in the then anarchic condition of the Middle Kingdom, it was scarcely possible to prevent. There is, however, but little doubt that, but for the unprovoked and inexcusable attack of most of the allied fleet on the Pei-ho forts—an attack in which American war-vessels took no part—the troops at the disposal of the Pekin Government could have been relied upon to prevent the siege of the foreign legations. It will be remembered that our State Department gave no credit to the lying report which, telegraphed from Shanghai, gave a detailed account of the alleged capture of the legations and the massacre of their inmates. The discreet, circumspect and merciful conduct of the American contingent in the allied force that occupied Pekin presented an edifying contrast to the rapacity and brutality exhibited by the Russians and some other European participants in the expedition. So, too, the bill for damages submitted by Mr. Hay to the Pekin Government was a model of moderation and decency, compared with the shameless greed betrayed by most of the copartners in the allied demonstration. The same considerate and equitable spirit was displayed by our State Department with regard to the currency in which the indemnity was to be discharged, and to the other conditions of payment. Eventually, when Russia, which had seized the pretext of the Boxer outrages to occupy with her soldiers all three of the Manchurian provinces, showed plainly a disposition to keep them there for an indefinite period, Mr. Hay took the lead in demanding that the St. Peters-

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burg Government should fix a date for the evacuation of Manchuria, and procured a more or less willing assent from all of the treaty Powers to the self-denying ordinance framed at Washington, whereby the signatories abjured any intention of impairing the political independence or mutilating the territorial integrity of the Chinese Empire. To appreciate the significance, and, we might add, the humor, of this covenant, we should recall what had been done only, so to speak, the day before, by some of the subscribers to the unwelcome compact—by Russia, for instance, which, under the guise of a lease, had wrenched from China the Liao-tung peninsula, and manifestly intended to keep possession of the whole of Manchuria; by Germany, which had seized the harbor and district of Kiao-Chao; by Great Britain, which had grasped Wei-hai-wei in the province of Shan-tung, and a strip of the Cantonese mainland opposite Hong-Kong; and by France, which had made encroachments on the frontier of Yun-nan. We alone asked for nothing; would accept nothing; and when China, in her hour of weakness, found herself begirt by despoilers, we stood forth her only friend. For our assumption of that magnificent, because just and magnanimous, position, the future compiler of our diplomatic history will have to thank Secretary Hay.

There is no reason to suppose that President Roosevelt or Mr. Root, the new Secretary of State, has the slightest desire to depart by a hair's breadth from the well-conceived and honor-conferring lines traced for our foreign policy by the late John Hay, so far as Great Britain and China are concerned. Under the future administration of the State Department, we may expect to witness a sincere, intelligent and an effective effort to cement a fruitful friendship with Great Britain, and to perform the laudable functions of a champion of equity in China. As for the Roosevelt Corollary to the Monroe Doctrine, Mr. Root has been, next to the President himself, its most conspicuous, authoritative and eloquent advocate, and we may therefore take for granted that he will make the best of it.

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